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ACTS
OF THE
GENERAL ASSEMBLY
OF THE
STATE OF GEORGIA,
PASSED IN
MILLEDGEVILLE,
AT AN
ANNUAL SESSION
IN
NOVEMBER AND DECEMBER,
1860.

PUBLISHED BY AUTHORITY.

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AMERICAN HISTORY

AMERICAN HISTORY

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MILLEDGEVILLE, GEORGIA.

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EXECUTIVE DEPARTMENT, }
MILLEDGEVILLE, GEORGIA, DEC. 26th, 1860. }

TOMLINSON FORT, Esq., Compiler of Laws of 1860.

SIR : To avoid unnecessary expense in printing, in preparing the Laws passed by the General Assembly at its late Session, for publication, you will abbreviate the enacting and repealing clauses, whenever it can be done without violating the true meaning of the Acts, in conformity with the custom of late Compilers.

JOSEPH E. BROWN, Governor.

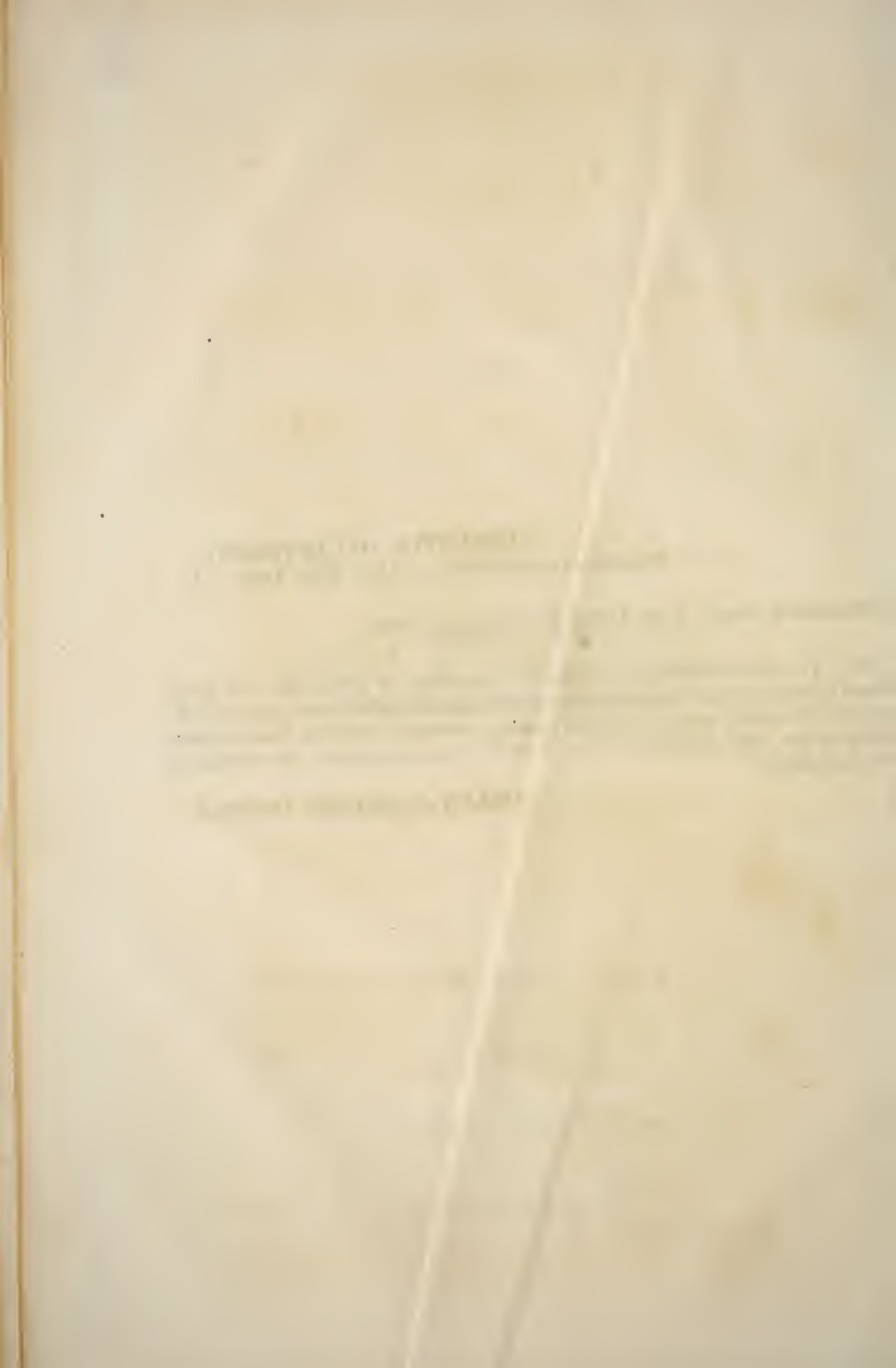


TABLE OF TITLES, DIVISIONS AND SUB-DIVISIONS.

PART I.

PUBLIC LAWS.

- TITLE I.—AGRICULTURE AND COMMERCE.
“ II.—APPROPRIATIONS.
“ III.—BANKS AND BANKING.
“ IV.—CODE OF GEORGIA.
“ V.—CONSTITUTION.
“ VI.—CONVENTION.
“ VII.—DEAF AND DUMB.
“ VIII.—EDUCATION.
“ IX.—ELECTIONS.
“ X.—EXECUTORS, ADMINISTRATORS, TRUSTEES, AND
ORDINARIES.
“ XI.—GEORGIA ACADEMY FOR THE BLIND.
“ XII.—GEORGIA MILITARY INSTITUTE.
“ XIII.—INSOLVENT DEBTORS.
“ XIV.—INSURANCE COMPANIES.
“ XV.—JUDICIARY.
I.—SUPERIOR AND INFERIOR COURTS.
ART. I.—CIRCUITS AND SESSIONS.
“ II.—ACTION, PROCEEDINGS, &c.
II.—COURTS OF SPECIAL JURISDICTION.
ART. I.—JUSTICES' COURTS.
“ XVI.—LIEN.
“ XVII.—MILITARY.
“ XVIII.—PEDDLERS.
“ XIX.—PENAL CODE.
“ XX.—ROADS.
“ XXI.—SLAVES AND FREE PERSONS OF COLOR.
“ XXII.—TAXES.
“ XXIII.—WESTERN AND ATLANTIC RAILROAD.

PART II.

LOCAL AND PRIVATE LAWS.

- TITLE I.—APPROPRIATIONS.
“ II.—CHURCHES AND CHARITABLE INSTITUTIONS.
 ART. I.—CHURCHES.
 “ II.—CHARITABLE INSTITUTIONS.
“ III.—CITIES AND TOWNS.
“ IV.—CORPORATIONS.
“ V.—COUNTY LINES.
“ VI.—COUNTY OFFICERS.
“ VII.—COUNTY REGULATIONS.
“ VIII.—COUNTY SITES.
“ IX.—EDUCATION.
 ART. I.—ACADEMIES.
 “ II.—COLLEGES.
 “ III.—COMMON SCHOOLS.
 “ IV.—TEACHERS OF POOR CHILDREN.
“ X.—EXECUTORS, ADMINISTRATORS, &c.
“ XI.—INTERNAL TRANSPORTATION.
“ XII.—PARDONS.
“ XIII.—PATROLS.
“ XIV.—PEDDLES.
“ XV.—PHYSICIANS.
“ XVI.—RELIEF.
“ XVII.—ROADS.
“ XVIII.—TAX.
“ XIX.—VOLUNTEER COMPANIES.

SATUTES OF GEORGIA,

PASSED BY THE

GENERAL ASSEMBLY OF 1860.

PART I.—PUBLIC LAWS.

TITLE I.

AGRICULTURE AND COMMERCE.

- | | |
|---|--|
| SEC. 1. "Belgian American Company," incorporated—powers and privileges. | SEC. 10. Duration of Charter. |
| " 2. Organization of Company. | " 11. Southern Central Agricultural Society, changed to "Georgia State Agricultural Society; All rights, powers, &c., enjoyed under old name to be exercised under new name. |
| " 3. Issue stock to amount of \$2,000,000. Vote of Stockholders. | " 12. Appropriated to Society, annually, \$2,500. How expended. |
| " 4. Guarantee by the State. | " 13. \$2,500 appropriated to the Cotton Planters Convention: How used. |
| " 5. Between what Ports Steamers to run. | " 14. Measurement of timber; <i>Proviso</i> . |
| " 6. Officers and agents to give bonds. | " 15. Enticing away indentured apprentices, &c., prohibited. |
| " 7. Commissioner to be appointed by Governor—His duties, powers, &c. State guarantee of \$100,000, per annum—Steamers to make semi-monthly trips— <i>Proviso</i> . | " 16. Penalty for doing so. |
| " 8. In no event State to guarantee more than \$100,000, per annum, for from one to five years. | " 17. Evidence of Execution of Articles of Apprenticeship. |
| " 9. Quarterly statements to be made by Company to Governor. | |

(No. 1.)*

An Act to incorporate the Belgian American Company, for the development of Direct Trade with the Southern States of the United States; and to grant the right of domicile to said Company; and for other purposes therein specified.

1. SECTION. 1. *It is hereby enacted by the General Assembly of the State of Georgia, That Ferdinand Abdon Manilius, Charles de Rouge, Louis Edouard Barbier Hanssens, Michel Corr-Vander Maeren, Ferdinand Vandevin, Alidor Claeys, Paul de Bavay, Julien Becquet, and their associates, successors and assigns, shall be, and they are hereby created and made, a body politic incorporate, by the name and style of the Belgian American Company, for the development of Direct Trade with the Southern States of the United States of America; and by that name shall be able and ca-*

*According to strict classification this Act should be placed among the Local and Private Laws; but considering its general importance, the Compiler has given it a place among the Public Laws.

Belgian American Company.

Powers and Privileges.

pable to have the right of domicile within the State of Georgia, to trade, traffic or barter, buy and sell merchandize; and in general shall enjoy all the commercial rights and privileges equally with, and on the same terms, enjoyed by the citizens of Georgia; to build, hold, own, employ, and charter sea going vessels, propelled by steam, or in part by steam and sail; and to hold and enjoy such wharf or river lots of land, in the city of Savannah, and such other ports in the State of Georgia, as such Company may desire, or may be deemed by them necessary or convenient for the transaction of their business; and to hold such personal property as may be desirable in the sale and purchase of merchandize, the loading and unloading of their ships; and any or all such property, real, and personal, to alien, sell, or dispose of, at pleasure; to plead and be impleaded in all Courts, or before Referees, or Arbitrators; to have and use a common seal; and generally to do and perform all such acts as may be required, or be found necessary, in and about the transportation of goods, wares, or merchandize, or produce, or passengers on such steamships, between Savannah and other sea ports of Georgia and Antwerp, or other sea-ports in Europe, as the said Company may determine and desire.

Organization of Company.

2. SEC. II. *And be it further enacted*, That the said parties composing the Company aforesaid, and their associates, may at such time and in such manner as they shall deem proper, proceed to organize said Company, in accordance with the by-laws, statutes, and provisions of the Company as now organized by authority of the royal decree of the King of Belgium, dated at London the 19th day of June, 1860, countersigned by Baron Delbrie, Minister of Foreign Affairs of the Belgian government; *Provided*, the same be not inconsistent, or in conflict with, the Constitution or Laws of this State.

Issue of stock, &c.

3. SEC. III. *Be it further enacted*, That said Company thus organized as aforesaid, be empowered to issue its stock to the amount of two million dollars; which shall be divided into shares of twenty dollars each; and the said Company shall have power to issue consolidated stock scrip, of five shares, or more; which said shares of two million dollars, shall be offered to citizens of the Southern States; *Provided*, That each share shall represent one vote; and that, in all elections for directors, no stockholder, or corporation, shall be entitled to more than one hundred votes; and that any by-laws or statutes of the said Belgian American Company, inconsistent with this provision, shall be made conformable thereto.

Vote of Stockholders.

Guarantee of the State.

4. SEC. IV. *Be it further enacted*, That upon said capital stock of two million dollars, thus issued in shares as aforesaid, to be offered to citizens of the Southern States, the State of Georgia shall guarantee an interest of five per cent, per annum, for the term of five years, making an annual sum of one hundred thousand dollars, as hereinafter conditioned, in the Seventh Section of this Act.

5. SEC. V. *And be it further enacted*, That the Steamships to be built, owned, chartered or employed, under and by the authority of this charter, are to be placed and kept on the line of navigation,

Belgian American Company.

between the ports of Savannah, or other ports within the limits of Georgia, and European ports.

Between what ports steamers to run.

6. SEC. VI. *And be it further enacted*, That the said company shall take bonds from officers or agents, for the faithful performance of the duties required of them respectively, in such penalty and in such form, as the Board of Directors may determine and prescribe.

Officers and Agents to give bonds.

7. SEC. VII. *And be it further enacted*, That his Excellency the Governor, be, and he is hereby empowered and authorized, to appoint a Commissioner on the part of the State, to examine into the responsibility, means, and organization, of said Company—their condition and ability to carry out the intention and purposes of this charter—the number of ships said Company may be able to control—their condition, structure, and tonage capacity; and if, upon such enquiry and examination, the said Commissioner shall be satisfied that it will be for the true interest of Georgia, to establish the aforesaid line of Steamships, the Governor is hereby authorized and empowered, to guarantee, through said Commissioner, to said Company, an amount not exceeding one hundred thousand dollars, per annum, for five years, from the time the said Steamers commence running; *Provided*, the annual net profits of said Steam service, shall be deducted from said sum of one hundred thousand dollars; and if the net profits of said steam service, exceed the one hundred thousand dollars, then, and in that event, the said surplus over and above the one hundred thousand dollars per annum, thus guaranteed, shall be equally divided between the State of Georgia and said company; *And provided further*, That the said Company shall keep up and sustain said Line of Steamships; and that the service of said Steamships, shall give at least a semi-monthly, arrival and departure to and from the port of Savannah, or other ports within the limits of Georgia: *Provided also*, That should said Company fail to accept the provisions of this Act, as may be proposed by said Commissioner, the Governor is hereby authorized and empowered, through said Commissioner, to extend the same privileges as provided for in this Act, to any Company that will comply with the provisions of the same.

Commissioner to be appointed by Governor. His duties, and powers, &c.

State guarantee of \$100,000, per annum.

Steamers to make semi-monthly trips

Provided.

8. SEC. VIII. *And be it further enacted*, That nothing in this Act shall be so construed, as to bind the State to guarantee the payment of a sum exceeding one hundred thousand dollars per annum; and the Governor, through said Commissioner, shall be empowered to limit the guarantee, from one to five years; and the provisions of this Act, shall be construed in conformity therewith.

In no event State to guarantee more than \$100,000, per annum, for from one to five years.

9. SEC. IX. *And be it further enacted*, That the said Company, through their proper officers, shall make out and forward to the Governor of this State, at least once every three months, a true and correct statement of the account current of said Company, taken from their books, verified by oath; and upon failure to do so, the provisions of this Act shall no longer be extended to said Company.

Quarterly statements to be made by Company to Governor.

Georgia State Agricultural Society—Cotton Planters' Convention—Measuring of Timber.

Duration of
Charter.

10. SEC. X. *Be it further enacted*, That this Charter shall extend, continue and last, to the end of twenty-five years, from the date of the passage of this Act.

SEC. 11. Repeals conflicting laws.

Assented to 18th December, 1860.

(No. 2.)

An Act to change the name of the "Southern Central Agricultural Society, and to appropriate money for the benefit of the same.

Southern Central
Agricultural
Society
changed to
the "Georgia
State Agricultural
Society."

11. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the name of the Southern Central Agricultural Society be, and the same is hereby changed, to that of the "Georgia State Agricultural Society," by which name the same shall hereafter be known; and under which name shall be exercised, used and enjoyed, all the rights, franchises and privileges now by law belonging to said Southern Central Agricultural Society.

All rights,
powers, &c.,
enjoyed un-
der old name,
to be exerci-
sed under new
name.*2,500 appro-
priated, an-
nually, to the
Society.How expend-
ed.

12. SEC. II. *Be it further enacted*, That the sum of twenty five hundred dollars, per annum, be, and the same is hereby appropriated to the said Society, to be expended under the direction of the Executive Committee of said Society, in the purchase of premiums to be distributed by said society, and in such other ways as may appear most conducive to the general purposes of said society, as aforesaid.

Conflicting
laws repealed.

SEC. 3. Repeals conflicting laws.

Assented to December 20th 1860.

(No. 3.)

An Act to appropriate money to the Cotton Planters' Convention of the State of Georgia, and for other purposes.

The sum of
*2,500 ap-
propriated to
the Cotton
Planters' Con-
vention.

13. SECTION I. *The General Assembly of the State of Georgia do enact*, That the sum of two thousand five hundred dollars be, and the same is hereby appropriated, to the Cotton Planters Convention of the State of Georgia; and the Governor of said State is hereby authorized and required, to draw his warrant on the Treasurer of said State, for said amount, in favor of the President of said Convention, or such person as he shall appoint; to be used in promoting the purposes of said Convention.

How used.

Assented to 20th December, 1860.

(No. 4.)

*An Act to add an additional section to An Act, entitled An Act, to regulate the Measuring of all Timber prepared for the Sea Ports of Georgia; and for the appointing of Measurers and Inspectors of the same, approved February 4th, 1854.**

Measurement
of Timber.

14. SECTION, I. *Be it enacted &c.*, That from and after the first day of January 1861, if any Measurer and Inspector of Timber appointed under the laws of this State, or any person not being an

*See Acts of 1853--4 p. 80, and notes thereto.

Importers of Foreign Laborers.

official Measurer and Inspector, shall measure any Timber otherwise than as required by the laws of this State, he shall be guilty of a misdemeanor; and upon conviction thereof, shall be punished for each offence by a fine not exceeding the value of the Timber so measured, or by imprisonment in the common Jail of the county for a time not exceeding ninety days; *Provided* that this act shall Proviso. not apply to any case when the measurement is not for the purpose of being used in the sale of the Timber, or to any case when the parties buying and selling, contract to have the Timber measured other than according to the laws of this State.

SEC. 2. Repeals conflicting laws.

Assented to 19 Dec. 1860.

(No. 5.)

An Act the better to protect the importers of foreign laborers.

15. SECTION I. *Be it enacted &c.*, That from and after the passage of this Act, it shall not be lawful for any person to entice away Enticing away indentured apprentices, &c. prohibited. from the person importing him, or to employ any indentured servant or apprentice, until the expiration of the term of his articles of apprenticeship, or for and during the term of his contract to serve such importer.

16. SEC. II. Any person offending against the provisions of the first section of this Act, shall be liable to pay to the importer of any indentured servant, or apprentice, double the amount per month for Penalty for so doing. which the said indentured servant or apprentice contracted to serve the person or persons importing him or them; to be recovered in any court having competent jurisdiction.

17. SEC. III. The attestation of any Consul of the United States shall be evidence of the execution of the articles of indenture of Evidence of articles of apprenticeship. apprenticeship, or contract for service.

Assented to Dec. 7th, 1860.

Governor's Salary. &c.

TITLE II.

APPROPRIATIONS.

- SEC. 1. \$60,000 may be raised in 1861, by taxation, &c.,
- " 2. \$1,000 app'd for Governor's salary, for 1861; \$1,600 each for salaries of State House officers; 1,250 each to Secretaries of Ex. Dept.; \$600 for salary of Messenger to Ex. Dept.; \$225 each for salaries of Atty. and Solicitors General; \$3,500 each to Judges of Supreme Court; salaries of Judges of Superior Court; \$1,000 salary of Reporter of decisions of Supreme Court.
- " 3. Contingent Fund for 1861, \$18,000; Printing Fund for 1861, \$30,000; Provisions in case of deficiency, \$15; salary of Chaplain of Penitentiary, \$50, for taking care of Senate Chamber and Representative Hall, for 1861.
- " 4. \$2,400 Salary of Supt. and Rest. Physician of Lunatic Asylum, for 1861; \$12,000 to pay trustees, officers and servants of the Asylum, for 1861, \$2,000 of which to be expended for certain purposes; compensation to males; compensation to females; how disbursed, &c.; \$566.06 app'd. to pay a debt against Asylum; \$15,000, for support of pauper patients; how disbursed; pay patients from other States; \$2,500 to provide for a permanent supply of water for Asylum; how expended; \$5,000, to purchase provisions for Penitentiary, for 1861.
- " 5. \$1,200, app'd. to State House Guard; \$800 for salary of State Librarian, for 1861; \$1,000 to purchase books for State Library, for 1861; \$100 to buy stationery for Clerk Supreme Court, and to pay for advertising sittings of the Court, for 1861; \$50 to keep in repair and wind up State House Clock, for 1861; \$2,500 to pay salary of Supt. of Georgia Military Institute, for 1861.
- " 6. Per diem pay and mileage of Pres. and Speaker *pro-tem*; per diem pay and mileage of Members of General Assembly; no pay to Members while absent without leave.
- " 7. \$500 to each the Secretary and assistant Secretary of Senate; of Clerk and assistant Clerk of House Reps.; per diem pay of two Recording Clerks, and the chief Enrolling Clerks of each House; per diem pay of all other Clerks of General Assembly; how and when drawn \$800 app'd. to J. T. Taylor; for what purpose app'd.; \$250, each to Jas. A. Pringle and Chas. G. Campbell, assistant Sec'y. Senate, and assistant Clerk House Reps.; how drawn; \$28 to Fred. A. West, Secretary Senate, for extra services; \$800 to T. W. J. Hill, Journalizing Clerk Senate, for certain services; how drawn.
- SEC. 8. \$50 each to Sec'y. Senate, and Clerk House Reps., for contingent expenses of session; per diem pay of Messengers and Door Keepers of each House; \$50 for cleaning and lighting chandeliers, during session.
- " 9. When appropriations to revert to State.
- " 10. Seventy-five per cent. of salaries due to State officers, may be advanced by Treasurer, from time to time; receipts for same to be vouchers against Executive warrants, at end of quarter.
- " 11. \$5,000 to Penitentiary to pay for completing certain buildings.
- " 12. \$3,000 each to Codifiers of the Laws.
- " 13. Moneys to be drawn by Gov., at his discretion, to pay for services not provided for.
- " 14. \$300 each to members of Committee to examine Code; terms of payment.
- " 15. Salaries of officers of the State which are fixed by law, appropriated annually, till such salaries are altered.
- " 16. \$50 each to members of Board of Visitors to Franklin College; like sum appropriated annually for that purpose; same as to Board of Visitors to Georgia Military Institute.
- " 17. \$50 each to Clergymen for opening daily sessions with prayers; \$1,322.26 to pay for work on buildings of Georgia Military Institute.
- " 18. \$2,000 additional appropriation to Deaf and Dumb; conditional.
- " 19. \$6 app'd. to D. L. L. Clarke.
- " 20. \$250 app'd. to enclose monument erected to memory of Gov. Jared Irwin.
- " 21. \$40 each to members visiting Asylum for Deaf and Dumb.
- " 22. \$15 app'd. to Hon. John Tillman.
- " 23. \$78.50 app'd. to Mr. John A. Morris for taking State Census, in 1859.
- " 24. \$50,000 app'd. to pay expenses of State Convention.
- " 25. \$2,400 app'd. to Hon. Howell Cobb of Houston, to pay expenses of mission to Europe, by authority of Cotton Planters' Convention.
- " 26. \$50 each to Vredenberg Thompson and Wm. K. Moore, for taking testimony in a contested election case.
- " 27. \$138.12 app'd. to M. P. Quillian, for costs on certain *fi. fas.* in favor of Central Bank.
- " 28. \$100 app'd. to Dow Wright, Tax Collector of Bibb county, for extra services.
- " 29. Compensation to Capt. John Jones, State Tr. for signing State Bonds and coupons.
- " 30. Compensation to Commissioner to Europe under act incorporating the Belgian American Co.
- " 31. \$250 re-appropriated as school fund to Charleston Co. for 1859.
- " 32. \$250 app'd. to pay bills incurred in consequence of two Cadets being wounded at the Capitol by premature discharge of cannon.
- " 33. State Treasurer to make advances to members and officers of General Assembly.
- " 34. \$1,000 to be advanced to State Printers.

Salary of Governor—State House Officers—Secretaries Ex. Dept.—Judges of Sup'me. Courts, &c.

(No. 6.)

An Act to provide for raising a revenue for the political year 1861, and to appropriate money for the support of the Government during said year, and to make certain special appropriations, and for other purposes therein named.

1. SECTION I. *Be it enacted, &c.,* That the Governor and Comptroller General shall be authorized to raise, in the same manner as now provided by law for collecting and assessing taxes to support the Government, such sum for the year 1861, as in their judgment may be necessary; not to exceed the sum of six hundred thousand dollars. \$600,000 may be raised by taxation, &c. for 1861.

2. SEC. II. *Be it further enacted, &c.,* That the following sums of money be, and the same are hereby appropriated, to the respective persons and objects hereinafter named, viz: The sum of four thousand dollars to His Excellency the Governor, as his salary for the year 1861; and the further sum of sixteen hundred dollars each to the Secretary of State, Comptroller General, Treasurer, and Surveyor General, for the year 1861; and the sum of twelve hundred and fifty dollars, each, to the Secretaries (not exceeding three,) employed in the Executive Department for the year 1861; and the sum of six hundred dollars to pay the Messenger to the Executive Department for the year 1861; and the sum of two hundred and twenty-five dollars, to each, the Attorney General and Solicitors General for the year 1861; and the sum of thirty-five hundred dollars, each, to the Judges of the Supreme Court, for their salaries for the year 1861; and the sum of eighteen hundred dollars to each Judge of the Superior Courts, whose commission bears date prior to the 22d December, 1857, and the sum of twenty-five hundred dollars to each Judge of the Superior Court whose commission bears date since 22d December, 1857, for his salary for the year 1861; and the sum of one thousand dollars is hereby appropriated to pay the salary of Reporter of Decisions of the Supreme Court for the year 1861. Governor's Salary \$4,000
Salary of State House officers, each \$1,600.
Salary of Secretaries of Ex. Dept. each \$1,250.
Salary of Messenger to Ex. Dept. \$600.
Salaries of Atty. and Solicitors Gen'l. each \$225.
Salaries of Judges of Supreme Court, each \$3,500.
Salaries of Judges of Superior Cts.
Salary of Reporter of Decisions of Supreme Court, \$1000.

3. SEC. III. *And be it further enacted,* That the sum of eighteen thousand dollars, be, and the same is hereby appropriated, as a contingent fund, for the year 1861; and the sum of thirty thousand dollars be appropriated, for a printing fund for the current year, and that in case of a deficiency in this appropriation the Governor is hereby authorized to draw his warrant upon the Treasury for the deficit; to be paid out of any money in the Treasury not otherwise appropriated; and the sum of one hundred and fifty dollars to pay the Chaplain of the Penitentiary for the year 1861; and the sum of fifty dollars to some suitable person, selected by the Governor to keep, clean, scour, air the chambers, and dust the carpets, &c., of the Senate Chamber, and Representative Hall for the year 1861. Contingent Fund of 1861, \$18,000.
Printing Fund of 1861, \$30,000.
In case of a deficit, more may be drawn
Salary of Chaplain of Penitentiary \$150.
\$50 appropriated to pay for taking care of Senate Chamber and R. p. Hall for 1861.

4. SEC. IV. *And be it further enacted,* That the sum of twenty-four hundred dollars be, and is hereby appropriated to pay the salary of the Superintendent and resident Physician of the Lunatic Asylum for the year 1861. Salary of Superintendent and resident Physician of Lunatic Asylum, for 1861.

Lunatic Asylum—salary of officers, support of Patients, &c.—Clerk of Supreme Court, &c.

\$12,000 appropriated to pay trustees, officers, and servants of the Asylum for 1861.

\$2,000 of which must be expended for certain purposes.

Compensation to males \$1 per day.

Females \$0.75 per day.

To be disbursed at discretion of Superintendent, under supervision of Gov'n'r. To whom quarterly returns must be made.

And the further sum of twelve thousand dollars be, and the same is hereby appropriated for the payment of the Trustees, Attendants, Servants hire, Treasurer, and Subordinate Officers, for the year 1861. Which increase of two thousand dollars above the usual appropriation heretofore made is intended for the exclusive purpose of increasing the wages of gallery attendants, yard and night watch, and the gardner; the males to be paid at a rate not exceeding one dollar per day, and the females not exceeding seventy-five cents per day, subject to the discretion of the Superintendent of said Asylum, as to the proper disbursement of said fund, according to the qualifications and services of said employees, *Provided*, That so much is found necessary by His Excellency the Governor, to whom quarterly reports of the expenditures shall be made.

\$566.06 appropriated to pay debt ag't the Asylum.

Also, the further sum of five hundred and sixty-six dollars and six cents be, and the same is hereby appropriated to discharge an unpaid balance outstanding against the building commissioners of said Asylum, to be drawn by warrant on the Treasury.

\$15,000 appropriated for support of pauper patients in Asylum for 1861.

Quarterly returns of its disbursements to be made to Governor.

And the further sum of fifteen thousand dollars, for the support of pauper patients in said Lunatic Asylum for 1861, is hereby appropriated; *Provided*, That so much may be necessary, to be adjudged of by the Governor, to whom quarterly returns shall be made; *Provided further*, That the Governor be, and he is hereby authorized to require the Superintendent of the Lunatic Asylum, to state in his annual report, the items and amounts received from pay patients in said Asylum, and a full account current of his receipts and expenditures connected with the institution. And *provided further*, That in no case shall a pay patient from a sister State, be received into said Asylum, when by receiving such pay patient, there is not sufficient room and accommodation for all the pauper patients of this State that may hereafter apply by their friends for admission into said Asylum.

Pay patients from other States not to be received to prejudice of pauper patients of this State.

\$2,500 appropriated to provide for a permanent supply of water to Asylum.

How expended.

Also, the further sum of two thousand five hundred dollars is hereby appropriated, to enable the superintendent of said Asylum to procure a more abundant supply of water for said Institution, *Provided* so much shall be found necessary, of which his Excellency the Governor, the Trustees and Superintendent, shall be the judges, and only so much to be drawn by warrant on the Treasury as will be absolutely necessary for a permanent supply of water, as herein indicated.

\$7,000 appropriated to purchase provisions for Penitentiary for 1861.

And the further sum of five thousand dollars be, and the same is hereby appropriated, to purchase provisions for the inmates of the Penitentiary for the year 1861.

\$1,200 app'd. to pay State House Guard, for 1861.

\$800 for salary of State Librarian, for 1861.

5. SEC. V. *And be it further enacted*, That the sum of twelve hundred dollars be, and the same is hereby appropriated, to pay the State House Guard, for the year 1861; and the sum of eight hundred dollars, to pay the salary of the State Librarian for 1861.

\$1000 to purchase books

And the further sum of one thousand dollars, is hereby appropriated, to be used, if necessary, by his Excellency the Governor,

Sup't. of Ga. Mil. Institute—Officers and Members of the General Assembly.

for the increase of the State Library, in selecting and purchasing such books as he may deem advisable, for the year 1861.

And the further sum of one hundred dollars be, and the same is hereby appropriated, to pay the Clerk of the Supreme Court for the correction of errors, for stationery and advertising notice of the meeting of said Court, in the year 1861.

And the sum of fifty dollars be, and the same is hereby appropriated, to pay for repairing and keeping in order the State House clock, for the year 1861.

And the further sum of twenty-five hundred dollars is hereby appropriated to pay the salary of the Superintendent of the Georgia Military Institute at Marietta.

6. SEC. VI. *And be it further enacted*, That the sum of ten dollars each, per day, be paid to the President of the Senate, and Speaker of the House of Representatives, during the present session of the General Assembly; and the sum of four dollars for every twenty miles of travel, going to, and returning from the seat of government; the distance to be computed by the nearest route usually travelled, not including Railroad or Steamboat travel; and that the sum of seven dollars per day be paid to the President of the Senate *pro tem.*, and the Speaker of the House *pro tem.*, and the sum of six dollars each per day, to the members of the General Assembly, during the present session, and four dollars each, for every twenty miles travel, going to, and returning from the Capitol, under the same rules which apply to the President of the Senate and Speaker of the House; *Provided*, That no member shall receive pay for the time he may have been absent without leave, except on account of sickness of himself or family.

7. SEC. VII. *And be it further enacted*, That the Secretary of the Senate, and Clerk of the House of Representatives, each be paid the sum of five hundred dollars for the year 1861; *Provided*, That no warrant shall issue in favor of either, until His Excellency the Governor shall have satisfactory evidence, that they have respectively made, or caused to be made, and attached to the Journals of their respective Houses, a good and sufficient index, and shall have carefully marked and filed away all reports of standing committees, and all other papers of importance connected with either House. The sum of seven dollars per day each to the Secretary and assistant Secretary of the Senate, the Clerk and assistant Clerk of the House of Representatives. The sum of seven dollars per day to two recording Clerks, and the chief enrolling and engrossing Clerks of each House, and the sum of six dollars per day, each, to all other Clerks of either House, for the time they have been actually employed, which shall only be allowed them, upon the certificate of the Secretary or Clerk, or Chairman of the Committee, stating that he required their services, and that they were actually performed; and no Clerk beyond the number fixed by law, shall be paid who was not employed with the consent of the Senate or House of Representatives. And that the sum of eight hundred dollars be, and the same is hereby appropriated

for State Library, for 1861.

\$100 appropriated to buy stationery for Clk Supreme Court, and to advertise sittings of the Court, in 1861.

\$50 app'd, to keep in repair and wind up State House clock, for 1861.

\$2,500 app'd, to pay salary of Superintendent of Ga Military Institute, for 1861.

Ten dollars per day app'd to each, the President of Senate and Speaker of House of Representatives.

Mileage of same.

Seven dollars per day to President and Speaker *pro tem.*

Six dollars per day to members.

Mileage of same.

No pay to members when absent without leave.

\$500 to each the Secy. of Senate and Clk. House of Reps. for '61.

On what conditions these sums to be drawn.

Seven dollars per day to each the Secy and Assistant Secy, Senate.

The same to Clk and Asst. Clerk House Reps.

The same to two recording Clerks and the Chief Enrolling Clerks of each House.

Six dollars pr. day to all other Clerks, for time actually employed.

How & when drawn.

Secretary of Senate—Clerk of House—other Clerks.

*800 app'd, to
J. T. Taylor
as salary
as Journaliz-
ing Clerk of
House Reps.
and for other
services.

to Jackson T. Taylor, Journalizing Clerk of the House of Representatives, as his salary for his services during the present session, and the additional labor of affixing to the last days Journal, in the form of an appendix, the primary resolutions of the people, which have, or may be presented before the adjournment, on the subject of Federal Relations, and that the Speaker be authorized to draw his warrant on the Treasury for the same.

*250 each, to
Jas. A. Pringle,
and Charles
G. Campbell,
assistant Sec-
retary of Sen-
ate, and as-
sistant Clerk
of House.

And also, the further sum of two hundred and fifty dollars each, is hereby appropriated to James A. Pringle, assistant Secretary of the Senate, and Charles G. Campbell, assistant Clerk of the House of Representatives, as additional compensation for their services in their respective offices; said sums to be drawn upon the warrant of the President of the Senate, or Speaker of the House.

*25 to Fred.
H. West, Sec-
retary of Sen-
ate, for extra
services.

And the sum of Twenty-eight dollars be, and the same is hereby appropriated to pay F. H. West, Secretary of the Senate, for making out, certifying and depositing in the office of the Secretary of State an abstract of the Journals of last session of the Senate, relating to the pardon of John Fundy.

*800 appro-
priated to
Thos. W. J.
Hill, Journal-
izing Clerk of
Senate, for
journalizing
proceedings
county meet-
ings.

And be it further enacted, That the sum of Eight Hundred dollars be, and the same is hereby appropriated to Thos. W. J. Hill, Journalizing Clerk of the Senate as his salary for his services the present Session, for additional labor in Journalizing proceedings of county meetings, relative to our Federal Relation, (the same to be his entire compensation for all services during the present session,) and that the President of the Senate be authorized to draw his warrant on the Treasurer for the same.

*50 app'd, to
each, the Sec-
retary of Sen-
ate and Clerk
of House, for
contingent
expenses of
Session.

Seven dollars
per day to
each, the Mes-
sengers and
Doorkeepers
of Senate and
House.

*50 appropri-
ated for clean-
ing, lighting,
&c., Chan-
dliers, during
Session.

S. SEC. VIII. *And be it further enacted*, That the sum of fifty dollars each, to the Secretary of the Senate, and Clerk of the House of Representatives be, and the same is hereby appropriated, to defray the contingent expenses of their respective offices at the present Session of the Legislature; and the sum of seven dollars per day, be paid to each of the Messengers and Door-keepers of the Senate and House of Representatives, the present Session of the General Assembly. And the sum of fifty dollars is hereby appropriated to pay for cleaning, lighting, and keeping in order, the Chandaliers of the Senate Chamber and Representative Hall, during this Session of the General Assembly.

When appro-
priations may
revert to State

9. SEC. IX. *And be it further enacted*, That no sum of money heretofore appropriated, and that no sum by this Act, appropriated, for the construction of any public work, or as a compensation for any public service, shall revert to the Treasury on account of failure to draw it, till the end of six months after the work or service is fully completed.

Seventy-five
per cent of
salaries due to
State officers,
may be ad-
vanced by
Treasurer,
from time to
time.

10. SEC. X. *And be it further enacted*, That the Treasurer be authorized to pay from time to time, to the officers of the Government, whose salaries are appropriated by this Act, seventy-five per cent. of the amount, for which service has been actually rendered at the date of such payment, taking receipts from said officers for the same; which receipts shall be his vouchers, and are hereby

Penitentiary—Codifiers of the Laws—Joint Committee—Board Visitors to Franklin College.

declared offsets to the extent of said payments, to Executive warrants, drawn at the end of the quarter for said officer's salary.

11. SEC. XI. *And be it further enacted*, That the sum of five thousand dollars be, and the same is hereby appropriated, to pay the Georgia Penitentiary the balance due for completing the cell building, work shops, and other buildings commenced under the Act of 1858, for the completion of which, the appropriation then made, was insufficient. \$5,000 app'd. to Penitentiary to pay for completing buildings.

12. SEC. XII. *And be it further enacted*, That the sum of three thousand dollars each, to Thomas R. R. Cobb, David Irwin, Richard H. Clark, be, and the same is hereby appropriated, to pay their second, and last years salary, as Codifiers of the laws of this State. \$3,000 each to Codifiers of the Laws, as their last year's salary.

13. SEC. XIII. *And be it further enacted*, That in all cases, where this General Assembly directs the performance of any service or labor, for which no provision for compensation is made, the Governor is hereby authorized to draw his warrant on the Treasury, for such sum or sums, as, in his judgment, may be a just compensation. Moneys to be drawn by Governor, at his discretion to pay for services not provided for.

14. SEC. XIV. *And be it further enacted*, That the sum of three hundred dollars to each of the Joint Committee of thirteen, composed of eight members of the House of Representatives, and five members of the Senate, appointed under the provisions of a Resolution of the General Assembly, assented to, December, the 16th, 1859, be, and the same is hereby appropriated as compensation for the discharge of their duties under said Resolution; *Provided*, That only such members of said Committee, as actually met the Commissioners at the time and place specified by said Resolution, shall receive the compensation herein appropriated. *And provided further*, That, if any of said Committee were in attendance only a part of the time it was in session, they shall receive only such proportion of the aforesaid sum, as the time they were in attendance, bears to the whole time of said session, the accounts of the Committee to be audited by their chairman. \$300 each to members of Committee to examine Code. Those who did not attend on committee, not entitled to pay. Those who attended in part, to be paid pro rata.

15. SEC. XV. *And be it further enacted*, That the various sums of the annual salaries of all the officers of this State, whose salaries are fixed by law, be and the same are hereby appropriated annually, to pay said salaries, until they are otherwise altered by law. Salaries of officers fixed by law, appropriated annually, till such salaries are changed.

16. SEC. XVI. That the sum of fifty dollars each be appropriated to pay such of the visitors appointed by his Excellency, the Governor, to attend the examination of the Senior Class of Franklin College, at its last annual examination as performed that service; and that the like sum be appropriated annually, for that purpose, until said Board of Visitors is discontinued by law: And also a like sum for a like purpose, to each of the Board of Visitors and Board of Trustees of the Georgia Military Institute. \$50 each to members of Board of Visitors to Franklin College. Like sum appropriated annually for that purpose. Same as to members of Board of Visitors to Geo. Military Institute.

17. SEC. XVII. *Be it further enacted*, That the sum of fifty dollars a piece, be appropriated to the Ministers of the various denominations of this city, who have officiated in opening with prayer, both branches of the General Assembly during the present Session; and the sum of one thousand three hundred and twenty-two dol- \$50 each to Clergymen for services during Session.

Deaf & Dumb Asylum—Dr. L. L. Clark—Monument to Gov. Irwin—Hon. Jno. Tillman.

§ 1,522 ap-
propriated to
pay for work
done on build-
ings of Gov.
Military In-
stitute.

lars and twenty-six cents, is hereby appropriated to pay the carpenters for necessary repairs made on the buildings of the Georgia Military Institute as, recommended by the Governor in his annual Message.

Preamble.

And whereas, the Commissioners for the Deaf and Dumb Asylum had appropriated the sum of eight thousand dollars, as annual support fund, and did not need that amount, and therefore failed to draw the same, and which amount of two thousand dollars did revert to the State; and whereas the shortness of the crop, and the high price of provisions this fall, and probably for the year, may make it necessary to place this amount, subject to said Commissioners,

Gov. may, in
his discretion
draw \$2,000
for the Deaf
and Dumb,
during the
year 1861, in
addition to
the regular
app'n.
(Or a less sum
if it only be
needed.

18. SEC. XVIII. *It is therefore enacted*, That upon a showing made satisfactory to His Excellency, the Governor, by the Board of Commissioners, that a necessity exists for said amount, His Excellency the Governor be, and he is hereby authorized to draw his warrant on the Treasury of this State, for the said sum of two thousand dollars, or so much thereof as he shall deem necessary in addition to the annual support fund, for the support and maintenance of the said Asylum for the Deaf and Dumb.

§ 6 appropri-
ated to Dr. L.
L. Clarke.

19. SEC. XIX. *And be it further enacted*, That the sum of six dollars be paid Dr. L. L. Clark, Representative from Elbert county, for expenses incurred in visiting the Academy for the Blind, the last session of the General Assembly.

§ 250 appro-
priated to en-
close monu-
ment erected
memory of
Gov. Jared
Irwin.

20. SEC. XX. *And be it further enacted*, That the sum of two hundred and fifty dollars be appropriated to enclose the monument erected to the memory of Gov. Jared Irwin; and that the Governor be requested to carry out the object of this appropriation.

§ 40 each to
members vis-
iting Asylum
for Deaf and
Dumb.

21. SEC. XXI. *And be it further enacted*, That the sum of forty dollars be paid to each member of the Joint Sub-Committee now absent and on a visit to the Asylum for the Deaf and Dumb, to pay their expenses.

§ 45 to Hon.
Jno. Tillman.

22. SEC. XXII. *And be it further enacted*, That the sum of fifteen dollars be appropriated to the Hon. John Tillman, Senator from Colquitt, he having failed to receive that amount of his per diem pay for last Session of the General Assembly.

§ 78 50 appro-
priated to Mr.
Jno. A. Morris,
for taking
State Census
in 1850.

23. SEC. XXIII. *And be it further enacted*, That the sum of seventy-eight dollars and fifty cents, be appropriated, to John A. Morris, of the county of Montgomery, for his services in taking the State census, for the county of Montgomery, in the year 1859; and that the Governor be authorized to draw his warrant upon the Treasury for said amount; and that the Hon. Mr. Sharpe, Representative from Montgomery, be authorized to receipt for the same.

§ 50,000 ap-
propriated to pay
expenses of
State Conven-
tion.

24. SEC. XXIV. *Be it further enacted*, That the sum of fifty-five thousand dollars be, and the same is hereby appropriated, or so much thereof as shall be necessary, to pay the per diem, mileage of delegates, and other expenses of the Convention, called to meet at Milledgeville on the 16th of January, 1861, by special Act, entitled, "an Act to authorize and require the Governor of the State of Georgia to call a Convention of the people of this State, and

Hon. Howell Cobb—M. P. Quillian—Dow Wright—Jno. Jones, Tr —Commissioner to Europe, for other purposes therein mentioned," approved November 21st, 1860.

25. SEC. XXV. *Be it further enacted*, That the sum of two thousand four hundred dollars be, and the same is hereby appropriated to pay the incidental and extraordinary expenses of the Honorable Howell Cobb, of Houston, incurred during his recent mission to Europe as the Commissioner of the Cotton Planters Convention, and that his Excellency the Governor draw his warrant for said sum on the Treasury in favor of said Howell Cobb.

\$2,400 appropriated to Hon. Howell Cobb, of Houston, to pay his expenses as Commissioner of Cotton Planters' convention, to Europe.

26. SEC. XXVI. *And be it further enacted*, That the sum of twenty-eight dollars be, and is hereby appropriated, to Vredenberg Thompson, and the like sum of twenty-eight dollars to Wm. K. Moore, as compensation for seven days service performed by them as Commissioners, appointed by his Excellency the Governor, to take testimony in writing in the contested election for Sheriff, in the county of Whitfield, Wm. J. Walls, contestant, vs. Frederick Cox, and for which the Governor is authorized to draw his warrant on the Treasury, in favor of said Commissioners.

\$28 each to Vredenberg Thompson & W. K. Moore, for taking testimony in a contested election case.

27. SEC. XXVII. *And be it further enacted*, That the sum of one hundred and thirty-eight dollars and twelve cents be, and is hereby appropriated, to pay Milligan P. Quillian, former Clerk of the Superior Court of Lumpkin county, in this State, the costs due upon *fi fas* issued from said Court in favor of the Central Bank of Georgia, and returned *nulla bona*; And that the Governor of said State do draw his warrant on the Treasury, in favor of said Quillian, for said sum.

\$138 12 appropriated to Milligan P. Quillian, for costs on certain *fi fas* in favor of Central Bank.

28. SEC. XXVIII. *And be it further enacted*, That the Governor be, and he is hereby authorized to draw his warrant on the Treasury for one hundred, (100) dollars, in favor of Dow Wright, Tax Receiver of Bibb county, the same being compensation for extraordinary official service; and that the Senator of said County be authorized to receipt for the same.

\$100 appropriated to Dow Wright, Tax Collector of Bibb county, for extra services.

29. SEC. XXIX. *And be it further enacted*, That John Jones, the Treasurer, be, and he is hereby allowed, at the rate of one and one quarter cents, extra pay, for every bond and every coupon attached, which he has filled up, and which he may be required to fill up, issued by virtue of any law heretofore passed, or may be passed during the present Session; and that the Governor draw his warrant on the Treasury for the amount of the same.

Compensation to State Treasurer for signing State Bonds and coupons to same.

30. SEC. XXX. *Be it further enacted*, That his Excellency the Governor be, and he is hereby authorized, to draw his warrant on the Treasury for any sum not exceeding three thousand dollars, to meet the expenses of a Commissioner, to be appointed by him, to visit Europe in accordance with the provisions of an Act, entitled "an Act to incorporate the Belgian American Company, for the development of direct trade with the Southern States of the United State, and for other purposes.

Compensation to Commissioner to Europe, under Act incorporating Belgian American Co.

31. SEC. XXXI. *And be it further enacted, by the authority aforesaid*, That the sum of two hundred and fifty dollars be, and the same is hereby appropriated, as the proportionate share

\$250 school fund due Charlton co., for 1859, re-appropriated.

Cadets Osborne and Love—Certain advances by State Treasurer.

of the poor school fund of the county of Charlton, for the year 1859, which, by neglect, has reverted to the State, and that the same be drawn by warrant on the Treasury, in favor of the present Ordinary of said county.

*250 appropriated to pay bills incurred by two Cadets, who were injured by premature explosion of cannon, &c.

32. SEC. XXXII. *And be it further enacted*, That the sum of two hundred and fifty dollars, or so much of the said sum as his Excellency the Governor may deem necessary, is hereby appropriated, for the purpose of paying the Physicians' bills, in the cases of Cadets Osborn and Love, injured by the premature discharge of a cannon, during the present Session of the General Assembly, and also for the payment of the board of two Cadets, who have been in attendance on the injured.

Assented to December 19th, 1860.

NOTE.—For Act appropriating \$1,000,000 as a Military Fund for 1861, Act No. 51, Title Military.

For appropriation to Academy for Blind, see Act No. 29, Title XI.

For appropriation to pay salaries of Professors and Faculty of Georgia Military Institute, see Act No. 30, Title XII; and for all appropriations to individuals or Colleges, &c., not in the general appropriation Act, see *name* of each in *index*.

(No. 7.)

An Act to authorize and require the Treasurer of the State, to make certain advances, and for other purposes.

State Treasurer to make advances to members and officers of General Assembly.

33. SECTION I. *The General Assembly of Georgia do enact*, That the Treasurer of the State be, and he is hereby authorized and required, to make advances to any of the members, or other officers, of this General Assembly, in no case to exceed the probable per diem pay and mileage of any members of the same.

\$4,000 to be advanced to State Printers.

34. SEC. II. *Be it further enacted*, That the sum of four thousand dollars be, and is hereby appropriated, as an advance, to Boughton, Nisbet & Barnes, on the State Printing, for the year eighteen hundred and sixty [one?] and that the Treasurer be, and he is hereby authorized, to pay the same to said State Printers, on the warrant of his Excellency, the Governor.

Assented to November 17th, 1860.

TITLE III.

BANKS AND BANKING.

- Sec. 1. Banks may send their bills out of State to discount drafts, but not to charge over seven per cent. per annum, nor over one half of one per cent. per annum, nor over one half of one per cent. exchange.
- " 2. Part of 10th Section of Act of 1857, repealed—Banks allowed to sell time checks, exchange.
- " 3. All previous Acts imposing penalties against Banks for suspension of specie payment, suspended till 1st Dec. 1861—3d and 5th Sections of Act of 1857, not suspended.
- " 4. Suspension of collection of all debts till 1st Dec. 1861. Tax *fi. fas.* not affected by this Act—Statute of limitations not to run during suspension of Banks.
- Sec. 5. 4th Sec. of Act of 30th Nov. 1860, amended, so as to allow certain officers to collect their fees.
- " 6. Said 4th Sec. further amended—debtor selling personal property, (except produce,) during time of stay, and the purchaser attempts to remove it out of State or Co. Pltff. may have it levied upon and sold—such property may be replevied, and how.
- " 7. Further provisions as to exchange—also to apply to Bank agencies.
- " 8. Insolvent Banks may be proceeded against under Act of 1840.

(No 8.)

An act to grant relief to the Banks and the people of this State, and to repeal certain clauses of the Act entitled an Act to provide against the forfeiture of the several Bank Charters in this State, on account of the non-specie payment for a given time, and for other purposes, passed in the year 1857 ; and to suspend the pains and penalties imposed upon the several Banks and their officers, in this State, for the non-payment of specie ; and for other purposes.**

1. SECTION I. *The General Assembly of the State of Georgia do enact,* That nothing in the seventh section of the before recited act, shall be so construed as to prevent the Banks of this State from sending their notes out of said State for the purpose of discounting drafts, provided they shall not, directly or indirectly, charge a greater rate of discount than seven per centum per annum, and exchange not exceeding one half of one per cent.

Banks may send their bills out of State to discount drafts—interest and exchange.

2. SEC. II. *The General Assembly do further enact,* That so much of the tenth section of the before recited Act of 1857, as prevents the Banks of this State from selling any kind of exchange except sight checks be, and the same is hereby repealed ; provided, that no Bank shall sell any time-checks at a greater interest than seven per centum per annum, together with the usual or market rate of commercial exchange between the two points at that time, but in no case to exceed one half of one per cent., if drawn on any point in this State ; any charge of a greater rate of exchange than the fair or market rate of commercial exchange between the points at the time, if drawn on points beyond the limits of this State, shall be considered usurious, and a violation of the provisions of the said act of 1857 ; *Provided,* that no Bank shall ask and receive a

Part of 10th Section of Act of 1857, repealed.

Banks may sell time-checks. Interest and exchange.

*For act of 1857, see Acts of 1857, p. 26.

† See next Act, No. 9.

Bank suspension authorized till 1st Dec. 1861.

Proviso as to
citizens of
Georgia.

greater sum than one per centum on exchange from any citizen of this State, for bills, drafts or checks, drawn on any point beyond this State, when the bills of said Bank or Banks, are presented in payment for said exchange.

Bank suspen-
sion author-
ized till 1st
Dec. 1861.

3. SEC. III. That, in view of the embarrassing state of monetary affairs, and the probable suspension of the Banks of the adjoining States, all and every the pains and penalties heretofore imposed upon the several Banks and their officers, in said State, by any previous legislation of the General Assembly of the same, for the failure or refusal of said Banks or their branches to redeem their liabilities in gold and silver, when presented, according to their several charters, be and the same are hereby suspended, until the 1st of December, 1861; *Provided*, that nothing in this section

Provisions of
3rd and 5th
Sections of
Act of 1857,
not suspended.

shall be so construed as to repeal the provisions in the third section of the before recited act of 1857; nor shall this Act be so construed as to relieve the said Banks from the operations of the fifth section of the before recited act of 1857, entitled an Act to provide against the forfeiture of the several Bank charters in this State, on account of the non-specie payment for a given time, and for other purposes therein mentioned.

Collection of
all debts sus-
pended till
1st Dec. 1861.

4. SEC. IV. That in the event of suspension of specie payment, by any of the Banks of Savannah, Augusta and Atlanta, in this State, which shall be made known by proclamation of the Governor, it shall not be lawful for any plaintiff in *fi. fa.*, his agent or attorney, to have the same levied upon the property of any inhabitant or corporation of this State, until the 1st of December, 1861; neither shall any of the property of any such inhabitant or corporation, be sold under and by virtue of any such *fi. fa.*, order or decree, nor shall any person be arrested or imprisoned under and by virtue of any proceeding under writs of *ca. sa.*, until the 1st of December, 1861, except in cases where the plaintiff, his agent or attorney, shall make affidavit that the defendant is removing, or about to remove without the limits of this State, or any county thereof; or is removing, or about to remove his property beyond the limits of this State, or any county thereof; in such cases, the defendant may stay such levy or sale, arrest or imprisonment, until the first of December, 1861, by giving good and sufficient security, in the Clerk's office, or Justice's office from whence said *fi. fa.* or *ca. sa.*, issued, as in other cases of stay of execution, for the payment of the debt and costs, at the expiration of said stay or for his appearance to render satisfaction under such arrest, at the first term of the Court happening after said 1st December, 1861, as in cases of arrest under *ca. sa.*, by the existing laws; and in all cases where property is now levied on and in the hands of

Certain cases
excepted.

Levy &c.,
may be stayed on
certain
conditions.

Property levied
upon may
be replevied.

Tax *fi. fa.* not
affected by
this Act.

Statute of
limitations
not to run
during Bank
suspension.

the levying officer, the defendant may replevy the same by giving bond and security, either for the forthcoming of the property, or the payment of the debt and costs, on the 1st day of December, 1861, or the first regular sale day thereafter; *Provided*, that this section shall not be so construed as to apply to any tax *fi. fa.*, issued, or to be issued; and, *Provided further*, that the statutes of limitation shall cease to run against any debt during the suspension of said Banks.

Proviso to fourth Section of An Act for the relief of the People and the Banks.

SEC. V. Repeals conflicting laws.

Passed in the House by a constitutional majority of 108 yeas to 20 nays, over the Governor's veto, November 30th, 1860.

Passed in the Senate by a constitutional majority of yeas 95, to 13 nays, over the Governor's veto, November 30th, 1860.

(No. 9.)

An Act to add a proviso to the fourth Section of An Act, entitled An Act for the relief of the People and Banks of this State, and for other purposes, passed on the 30th of November, 1860, and to add an additional section to the said Act.

5. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the following shall be added as a proviso to the fourth section of the above recited act, to-wit: That nothing in the before recited Act, shall be so construed, as to prevent the Sheriffs, Clerks, Justices of the Peace, Ordinaries, and Constables, of this State, from collecting their cost and fees in the same manner as though said fourth section had not been passed.

Act of 30th November, amended so as to allow certain officers to collect their fees.

6 SEC. II. That in the event the defendant in any *fi. fa.*, in this State, shall sell or dispose of any of his personal property, except produce, during the time of the stay of *fi. fas.* as provided for in the said Fourth Section in the Act above recited, and the purchaser shall remove, or attempt to remove said property beyond this State, or any county thereof, it shall be lawful for such plaintiff to have his *fi. fa.* levied upon the property thus sold or disposed of by such Defendant, and the same sold; and the person in whose possession such property is at the time of such levy, shall have the privilege of replevying the same, by giving bond and good security to the levying officer, for the delivery of such property on the first regular sale day after the end of such stay; or shall give good and sufficient security in the Clerk's or Justice's [office?] from which such *fi. fa.* issued, to pay the debt and cost, at the end of such stay; to be enforced by *fi. fa.* against such person and his security, in the same way as is provided for in case of stay of execution under existing laws.

Debtor selling personal property, (except produce,) during time of stay, and purchaser attempts to remove it out of county or State, it may be seized and sold. Such property may be replevied, and how.

7. SEC. III. *Be it further enacted,* That no Bank within this State, in a state of suspension, shall require of any citizen of this State, more than one per cent premium, for foreign Exchange; *Provided,* they tender in payment to said Bank, the bills of said Bank, or of any other Bank in this State whose bills are admitted and received on deposit by said Bank; *Provided further,* that the provisions of this section be applicable to all Bank Agencies within this State.

Further provisions as to exchange.

8. SEC. IV. *Be it enacted further,* That nothing in this Act shall be so construed, as to withhold Executive or Judicial proceedings under and by virtue of the Act of the 18th of December, 1840,* against any Bank in this State, in case of its insolvency.

Insolvent Banks may be proceeded against under Act of 1840.

SEC. V. Repeals conflicting laws.

Assented to 20 Dec., 1860.

* See T. R. R. Cobb's Digest, p. 115.

Code of Georgia adopted—to take effect 1st January, 1862.

TITLE IV.

CODE OF GEORGIA.

SEC. 1. Code of Georgia adopted—to take effect first January, 1862—*Proviso.*

" 2. Laws and regulations of a public character passed at present session, to be incorporated in Code—Further powers and duties of Codifiers—Duties of Governor in reference to Code.

SEC. 3. Code of laws Savannah to be incorporated in the Code of Georgia.

" 4. *Preamble*—Provision as to supervising the printing the Code. 5,000 copies to be printed for the State, not to exceed \$2.50 per copy—Price of Code per copy not to exceed \$3 to citizens of the State.

(No. 10.)

*An Act to approve, adopt and make of force, in the State of Georgia, a Revised Code of Laws, prepared under the direction, and by authority of the General Assembly thereof; and for other purposes therewith connected.**

1. Section I. *The General Assembly of the State of Georgia do enact,* That the Revised Code of Laws prepared under its authority, by Richard H. Clark, Thomas R. R. Cobb and David Irwin, Esqrs., and revised and fully examined by its committee, and recommended and reported for adoption, (The manuscript whereof now being on file in the Executive Department,) be, and the same is hereby adopted, as the Code of Georgia; to be of force and take effect, on the first of January, 1862. *Provided,* that the adoption of the Code, shall not operate so as to repeal an act, entitled an act to define the liability of the husband for the debts of the wife, and to define the liability of the property received through the wife, for the debts of the husband, existing at the time of the marriage, approved 28th, February, 1856; or to punish any Judge, Justice, or Minister, for joining in marriage any female under the age of twenty-one years, without the consent of her farther or guardian.

2. Sec. II. *And be it further enacted,* That all laws and resolutions of a public and general character, passed at this present Session of the General Assembly, be incorporated in, and made part of said Code; and that the duties and powers of the Codifiers, be continued to that end, with authority to place the same in proper and appropriate form and connection, and to correct any conflicts which may be created thereby, with its existing provisions. And that the performance of the further duties by said Codifiers, as required in this section, be submitted to the revisal, examination and approval of His Excellency, the Governor, before the publication of said Code.

3 Sec. III. *Be it further enacted,* That the laws of the State of Georgia, having reference to the city of Savannah, &c., as codified by order of the City Council of Savannah by the city Attorney of Savannah, be, and the same is hereby declared and made a part of the Code of Georgia and the laws thereof, the manuscript copy whereof, is now of file in the Executive Office.

Assented to Dec. 19th, 1860.

*For act authorizing the codification of the laws of Georgia, see Acts of 1858, p. 95.

Code of Georgia adopted.

To take effect 1st January, 1862. Proviso.

Laws and Resolutions of a public character passed at present Session, to be incorporated in Code. Further powers and duties of Codifiers. Duties of Governor in reference to Code.

Code of Laws of Savannah to be incorporated in Code of Georgia.

(No. 11.)

An Act to provide for the publication of the Code of the State of Georgia; to point out the mode of doing the same; to fix the price, and to authorize the Governor to purchase five thousand copies of the same, for the use of the State; and for other purposes.

Whereas, The value and success of the Code prepared by the Commissioners elected for that purpose, will depend, in a great measure upon the correct and proper publication of the book, and the appropriateness of the Index to the same; and whereas, said Code cannot be correctly published and properly indexed, except by some one who is familiar with the same. Therefore,

4. Section I. *Be it enacted by the Senate and House of Representatives, in General Assembly met,* That the Governor be authorized to contract with the Commissioners, Messrs. Cobb, Irwin and Clark, or any or either of them, to superintend the publication of said Code, and to prepare an Index thereto, and to supervise the printing of the same; that the Governor and Codifiers be, and they are hereby authorized and empowered, to contract with any person in this State, for the printing and publication of five thousand copies of the new Code prepared by Messrs. Cobb, Irwin and Clark; the cost of each of said copies to the State, not to exceed two dollars and fifty cents per copy; *Provided*, that said person so publishing said Code, shall further agree to furnish said Code to the people of the State, at a cost not more than three dollars per copy, including all charges.

Preamble.

Supervision of printing the Code, 5,000 copies to be printed for State, not to exceed \$2.50 per copy.

Price per copy of Code to citizens of Georgia not to exceed \$3.

Assented to 20th December, 1860.

TITLE V.

CONSTITUTION.

*An Act to alter the sixth Section, of the third Article of the constitution of this State, so far as relates to the day on which the Ordinaries are elected.**

(No. 12.)

1. SECTION I. *The General Assembly of the State of Georgia do enact*, That so soon as this Act shall have been passed, in conformity to the requirements of the Constitution, the sixth Section of the third Article of the Constitution, be so altered as to substitute the word "Wednesday," for the word "Monday," where the same occurs in said Section.

Day of electing Ordinaries changed from Monday to Wednesday.

Assented to December 1st, 1860.

Passed first time.

*The time of electing Ordinaries, having been fixed by the Constitution, could not be changed from Mondays to Wednesdays by legislative enactment merely, as has been done with other County officers; hence this proposed change in the Constitution. See amended Constitution, Acts of 1851-2, p. 50.

(No. 13.)

An Act to alter and amend the first Article of the Constitution, relative to granting corporate powers and privileges.

2. SECTION I. *Be it enacted by the Senate and House of Representatives of the State of Georgia, in General Assembly met, and it is hereby enacted by authority of the same,* That the first Article of the Constitution be, and the same is hereby amended, by adding the following words, to-wit:

Limited powers to incorporate, transferred to Superior and Inferior Courts.

"The Legislature shall have no power to grant corporate powers and privileges, except Banking, Telegraph, Rail Roads, Cities and Towns; but said powers shall be exercised exclusively by the Superior and Inferior Courts of the several Counties, as may be hereafter prescribed by law.

Assented to December 20th, 1860.

Passed first time.

NOTE.—During the Session of 1849-'50, several Acts proposing amendments to the Constitution were passed the first time, but which did not pass at the subsequent Session, and did not, therefore, become Constitutional amendments. Among them was an Act proposing "to add an additional Section to the 1st Art. of the Constitution," taking from the Legislature the power "to incorporate any Church, Academy School, Literary, Religious or Benevolent Society or Association, or any other Society or Association, Manufacturing Company, Military Company, Ice Company, Fire Company, Theatre Company, Hotel Company, Bridge or Ferry Company, to change the name of any persons, to legitimate illegitimate children, to change the places of holding precinct elections in the several counties, to incorporate towns, cities or villages, other than seaport towns, and ports of entry, to compensate grand or petit jurors," giving the power thus taken from the General Assembly, to the Superior or Inferior Courts, to be exercised in manner as the Legislature should *by law* direct.

Though this amendment did not meet the constitutional approval of the succeeding Legislature, yet at the Session of 1855-6, an amendment did finally pass, and become a part of the Constitution, taking away from the Legislature and giving to the Superior or Inferior Courts, the power to change names, to legitimate persons, to make or change precincts, and to establish bridges and ferries; but the Legislature refused to relinquish the right of granting corporate powers and privileges.

But it is again proposed, by this Act, in a limited degree, to transfer powers to incorporate, to the Superior and Inferior Courts.

TITLE VI.

CONVENTION.

Sec. 1. *Preamble*—Gov. to issue Proclamation for State Convention, to meet at Milledgeville 16th of Jan. 1861.
" 2. Mode of holding elections of Delegates Gov. to give certificates to those elected.

Sec. 3. Basis of representation to Convention.
" 4. Powers and duties of Convention.
" 5. Pay of Delegates, mileage, &c.
" 6. Convention may elect its own officers, &c.

(No. 14.)

An Act to authorize and require the Governor of the State of Georgia, to call a Convention of the people of this State; and for other purposes therein mentioned.

Preamble.

WHEREAS, The present crisis in our national affairs, in the judgment of this General Assembly, demands resistance; and whereas, it is the privilege and right of the sovereign people to determine upon the mode, measure, and time, of such resistance.

Convention—Mode of holding election of Delegates—Trustees for Ins. for Deaf & Dumb.

1. SECTION 1. *Therefore, the General Assembly do enact, That upon the passage of this act, his Excellency, the Governor, be, and he is hereby required to issue his Proclamation, ordering an election to be held in each and every county in this State, on the first Wednesday in January, eighteen hundred and sixty-one, for Delegates to a Convention of the people of this State, to convene at the seat of Government, on the sixteenth day of January, eighteen hundred and sixty-one.*

Governor to issue Proclamation for State Convention, to meet at Milledgeville, Jan. 16, 1861.

2. SEC. II. That said election for delegates, shall be held and conducted in the same manner, and at the same places, as elections for members of the General Assembly, are now held in this State; and all returns of such elections shall be in the same manner forwarded to the Governor of this State, who shall furnish each delegate chosen, with a certificate of his election.

Mode of holding election of Delegates. Certificate to be given to those elected.

3. SEC. III. That the counties entitled under the last act of apportionment, to two members in the House of Representatives, shall be entitled each to three delegates to said Convention; and the counties entitled, under said apportionment, to one Representative, shall elect each two delegates to said Convention.

Basis of representation in Convention.

4. SEC. IV. That said Convention, when assembled, may consider all grievances impairing or affecting the equality and rights of the State of Georgia as a member of the United States, and determine the mode, measure, and time of redress.

Powers and duties of Convention.

5. SEC. V. That the members of said Convention of the people of Georgia, shall be entitled to the same mileage and per diem pay received by the members of the present General Assembly; and said Convention shall, by vote, fix the pay of all their officers, and of any delegate or delegates they may appoint to any other Convention, Congress, or Embassy; and shall provide for all other expenses incurred by said Convention.

Pay of Delegates, mileage &c.

6. SEC. VI. That said Convention shall have power to elect all officers necessary to their organization; and to do all things needful to carry out the true intent and meaning of this act, and the acts and purposes of said Convention.

Convention may elect its own officers, &c.

Approved 21st. Nov. 1860.

TITLE VII.

DEAF AND DUMB.

SEC. 1. John G. Westmoreland, Alpheus Colvard, and Robt. L. McWhorter, appointed Board of Trustees, their powers.

SEC. 2. Principal to reside in the Institution.

(No. 15.)

An Act to appoint three trustees for the "Georgia Institution for the Deaf and Dumb," and for other purposes.

1. SECTION 1. *Be it enacted &c., That from and immediately after the passage of this Act, John G. Westmoreland, of the county*

J. G. Westmoreland, A.

Teachers of Poor Children.

Colvard, and R. L. McWhorter, appointed Trustees of the Institution for the education of the Deaf and Dumb. Their powers. Principal to reside in the Institution.

of Fulton, Alpheus Colvard, of the county of Columbia, and Robert L. McWhorter, of the county of Greene, be, and they are hereby appointed a Board of Trustees for said Institution; with all the powers and duties conferred and imposed upon the Board of Trustees of said Institution by existing laws.

2. SEC. II. *Be it further enacted*, That the Principal of said Institution shall be required to reside in said Institution.

SEC. III. Repeals conflicting laws.

Passed in the House of Representatives by a constitutional majority, over the Executive veto, of two-thirds, by a vote of yeas 110, nays 7, 12th December, 1860.

CHAS. J. WILLIAMS,

Speaker of the House of Representatives.

GEO. HILLYER,

Clerk of the House of Representatives.

Passed in the Senate over the Executive veto by a constitutional majority of two-thirds, by a vote of yeas 95, nays 10, Dec. 13 1860.

T. L. GUERRY,

President of the Senate.

FRED. H. WEST,

Secretary of the Senate.

TITLE VIII.

EDUCATION.

SEC. I. Provisions for paying teachers of certain poor children.

SEC. 2. Ordinary of Heard Co. to pay certain sums to Moses T. Alman, and Wm. M. C. Watts, Agent.

(No. 16.)

An Act to define the manner in which Teachers of Poor Children must proceed to procure their pay, who have not returned, or who may hereafter fail to return their accounts to the Ordinary according to law.

Preamble.

WHEREAS, A great number of Special Bills are constantly introduced for the relief of Teachers of poor children in this State, who neglected to return their accounts to the Ordinary within the legal time; *and whereas*, it is probable Teachers will continue so to neglect their duty.

Provisions for paying teachers of certain poor children.

SECTION 1. *The Legislature of the State of Georgia therefore enacts*, That from and after the passage of this Act, the teachers of poor children in this State, who have neglected to make their returns to the Ordinary according to law, and those who may hereafter neglect to so make their returns, and those who have taught, or may hereafter teach poor children not returned to the Ordinary, as such, by the proper authorities, shall, instead of applying as heretofore, to the Legislature for relief, to the great expense of the State, present their accounts, properly authenticated, to the Board

Teachers of Poor Children—Election of County Officers.

of Education, (except the Ordinary,) established in each county by "An Act to alter and amend an Act, entitled an Act to provide for the education of the children of this State," assented to Dec. the 21st, 1859; which Board of Education, or two thirds of said Board, shall, in their discretion, direct the Ordinary to pay off said accounts.

SEC. II. *Be it further enacted, &c.*, That the Ordinary of Heard county be, and he is hereby required, to pay to Moses T. Alman, of Heard county, the sum of eleven dollars and sixty cents, for teaching in the year eighteen hundred and fifty seven; and the sum of nine dollars and sixty cents to William M. K Watts, of Heard county, agent of David A. Mancer, for services rendered in teaching in the year 1858.

Ordinary of Heard co. to pay certain sums to M. T. Alman and Wm. M. K. Watts, agts

SEC. III. Repeals conflicting laws.

Assented to December 19th, 1860.

TITLE IX.

ELECTIONS.

SEC. 1. Act of Dec. 16th, 1859, amended, where-
by elections of certain officers are to be held on first Wednesday, instead of first Monday, in January.

" 2. Tax Collectors and Receivers of Tax Returns to be elected every two years; Vacancies, how filled.

SEC. 3. Collectors and Receivers to give bonds annually, as now required; if Receiver neglects his duty, Gov. may declare the office vacant, and vacancy may be filled as now required.

" 4. Election precincts may be established, abolished or changed by, Infr. Court.

(No. 17.)

*An Act to amend "an act to change the time of holding the elections for county officers, Judges of Superior Courts, Attorneys and Solicitors General, (except Ordinaries,) in this State," passed December 16th, 1859.**

1. SECTION I. *Be it enacted, &c.*, That the first section of an Act entitled "An Act to change the time of holding the elections for county officers, Judges of the Superior Courts, Attorneys and Solicitors General, (except Ordinaries,) in this State," passed December 16th, 1859, be so amended as to read as follows: That, after the year 1860, all elections of county officers, (except Ordinaries,) the election of the Judges of the Superior Courts, and Attorneys and Solicitors General, be held on the first Wednesday in January, instead of the first Monday in January, as now prescribed by law.

Act of 16th Dec. 1859, amended. Certain elections to be held on 1st Wednesday instead of 1st Monday in January.

Assented to Nov. 24th, 1860.

* For this Act, see Acts of 1859, p. 32. The Act of 1859 enacted, "that, after the year 1860, the election for all county officers, Judges of the Superior Courts, Attorneys and Solicitors General, (except Ordinaries,) now held on the first Monday in January, be held on the first Wednesday in January, in each and every year;" and it was a question whether the Act did not change the term of office, (making all therein enumerated, for one year,) as well as the day on which the elections were to be held: and hence this enactment.

Receiver of Tax Returns and Tax Collectors—Election Precincts.

(No. 18.)

An Act to alter the time of holding the election of Receivers of Tax Returns, and Tax Collectors, in this State; to prescribe the mode in which they shall give bonds, and the mode in which the officers, (office?) of Receiver of Tax Returns, may be declared vacant.

Tax Collectors and Receivers of Tax Returns to be elected biennially; Vacancies, how filled.

2. SECTION I. *Be it enacted, &c.,* That the Receiver of Tax Returns, and Tax Collector, in and for the several counties of this State, shall be elected at the same time that elections for other county officers are held, on the first Wednesday in January, eighteen hundred and sixty-two, and every second year thereafter, and shall be commissioned by the Governor for the term of two years; and, in cases of vacancies in said offices, the same shall be filled by election, as provided in relation to other county offices.†

Collectors and Receivers to give bonds annually. If Receiver neglects his duty, Gov. may declare the office vacant. Vacancy, how filled in such cases.

3. SEC. II. *And be it further enacted,* That the bonds of Receivers of Tax Returns, and (of Tax?) Collectors, shall be given with security, annually, as is now required by law, as to Collectors; and that, in the event it should become necessary for the Comptroller General to impose a fine on the Receiver of Tax Returns, for neglect, or unfaithful performance of duty, the Governor, if he thinks proper, may declare the office of Receiver of Tax returns vacant; and the vacancy may be filled as is now required by law in case of vacancies.

SEC. III. *Repeals conflicting laws.*

Assented to 6 December, 1860.

† Previous to this enactment, Tax Collectors and Receivers of Tax Returns were elected annually, and held their office for one year. See T. R. R. Cobb's New Digest, p. 200.

(No. 19.)

An Act to confer upon the Inferior Courts of the several counties in this State power to establish, change or abolish any election precinct, or precincts, within the same.

Preamble.

WHEREAS, The fourth section of an Act, approved the sixth day of March, eighteen hundred and fifty-six,* entitled "An Act to prescribe the manner in which the names of persons may be changed," &c., is clearly unconstitutional, null and void:

Election precincts may be established, abolished or changed by Infer. Court.

4. SECTION I. *Therefore, Be it enacted,* That, from and after the passage of this Act, upon the petition of any person or persons to the Inferior Court of the county, praying the establishment, abolition or change of any precinct or precincts within the same, it shall be lawful for said Inferior Court to establish, abolish or change such election precinct or precincts, agreeably to the provisions now established by law; any law, usage or custom to the contrary, notwithstanding.

Assented to Dec. 7th, 1860.

* See Acts of 1855-6, p. 261. The section above alluded to was clearly unconstitutional, on account of its variance from the title of the Act.—Constitution of Georgia, ARTICLE I., SECTION XVII. T. R. R. Cobb's Dig., p. 1114.

TITLE X.

EXECUTORS, ADMINISTRATORS, TRUSTEES, GUARDIANS, AND ORDINARIES.

- Sec. 1. Executors, Guardians, Trustees, &c., may invest trust funds in bonds of Savannah or Augusta, with approval of Ordinary.
- " 2. Executors or Trustees, may invest funds of married women, and children, in land and negroes, under order of Judge of Superior Court.
- " 3. Order may be given in vacation.
- " 4. Legal representatives of intestates and Trustees of other States, may sue in this State.
- " 5. Distribution of negroes, in certain cases.
- " 6. Returns of representatives of deceased Guardians, Executors, Administrators, and Trustees.
- " 7. Exemplification of record of estate, to be furnished by Ordinary on application of representative. Such exemplification to be received in evidence, when original is destroyed.
- Sec. 8. Ordinary may issue executions for 12 months' support of widow and children.
- " 9. Letters of administration heretofore granted without advertisement 30 days, at Court House door, legalized.
- " 10. In future such notice not necessary.
- " 11. Ordinary not to compel Clerk Superior Court to administer on insolvent estates, or on estates worth not over \$100.
- " 12. When estate is not worth over \$100, Ordinary may set apart that amount for support of widow and orphans, without administration.
- " 13. Return, how made by Guardian of free person of color.

(No. 20.)

An Act to authorize Guardians, Trustees, Executors and Administrators, to invest in the Bonds of the cities of Savannah and Augusta.

1. SECTION I. *The General Assembly of the State of Georgia do enact,* That Guardians, Trustees, Executors and Administrators, are hereby authorized to invest any funds held by them, as such Guardians, Trustees, Executors or Administrators, in the Bonds issued by the Mayor and Aldermen of the city of Savannah and the Hamlets thereof, or in the bonds issued by the authority of the City Council of Augusta, or by any proper authorities of said Cities; *provided*, that an order to that effect be first obtained from the Court of Ordinary having jurisdiction of such Guardian, Executor or Administrator.

Trust funds may be invested in Bonds of city of Augusta & Savannah.

Order from Court of Ordinary, first to be had.

Sec. II. Repeals conflicting laws.

Assented to 19th December, 1860.

(No. 21.)

An Act to authorize Executors and Trustees, to invest the money of married women and children, in land and negroes, or either, on the terms herein expressed.

2. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this act, it shall and may be lawful, for any executor or executrix, or trustee, who now has, or may hereafter have, in his or her hands, any money as the separate estate, or for the separate use and benefit of any married woman for her life, and at, or after her death, for her children, to invest the same, or any part thereof, in real estate or negroes, un-

Execs. or trustees may invest funds of married women and children in land and negroes, by order of Judge of Superior Court.

Legal representatives of intestates—Method of distributing Negroes

der such order and direction, as may be passed by the Judge of the Superior Court of the county, where such Executor, Executrix or Trustee, may reside.

Such order may be granted in vacation.

3. SEC. II. That the several Judges of the Superior Courts, shall have power to make such order and give such directions, as may be proper, in vacation, on application, when all the parties interested, or represented, are before him.

Assented to December 19th, 1860.

(No. 22.)

An Act to authorize the legal representatives of intestates and Trustees of other States, to sue in this State.

Legal representatives & Trustees of other States, may sue in this State.

Proof of authority as such representative, must be filed in the Court where suit is brought.

4. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, it shall be lawful for any Administrator or Administratrix, and for any Executor or Executrix of any deceased person, who, at the time of his or her death, was a citizen of any other State, to sue on any cause of action, whether the same arose before or after the death of such person, in the same manner as Administrators and Executors who have been appointed in this State, can do, and to give them the same right and privileges; *provided*, said legal representatives shall, before any judgment shall be rendered in their favor on any verdict or confession of judgment, file in the Court in which such action may be pending, a legal, authenticated exemplification of his, her, or their letters of administration, or letters testamentary.

Assented to 6th December, 1860.

(No. 23.)

An Act to point out the method of distributing Negroes, in certain cases therein mentioned.

Distribution of negroes in certain cases.

5. SECTION I. *The General Assembly of the State of Georgia do enact,* That in all cases when there may be any legatee or legatees, distributee or distributees, entitled to receive his, her, or their distributive share, or shares of any negroes, and there are other legatees, or distributees, interested in such negroes, who are not entitled to receive their shares of such negroes, it shall and may be lawful for the commissioners appointed to make distribution, to ascertain and set off the share, or shares, of such legatee or legatees, distributee or distributees, as may be entitled to receive his, her, or their shares, and leave the balance of such negroes in common stock, for future distribution; *Provided*, such division, or distribution, be not restrained by will, or otherwise.

SEC. II. Repeals conflicting laws.

Assented to 20th December, 1860.

(No. 24.)

An Act in relation to making returns by the representatives of deceased Guardians, Executors, Administrators and Trustees.

6. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That it shall be lawful for the representatives of deceased Guardians, Executors, Administrators and Trustees, to return to the Ordinary the payments, disbursements, receipts and vouchers of such deceased person; and upon proving the same to be lawful and proper, by his oath, or other satisfactory evidence, the Ordinary shall allow the same, and record them as if made in the life time of the deceased; and when so allowed and recorded, they shall then have the same force and effect as if returned and allowed in the life time of the deceased Guardian, Executor, Administrator, or Trustee.

Returns by representatives of deceased Guardians, Executors, Administrators, and Trustees.

7. SEC. II. *And be it further enacted*, That the several Ordinaries of this State, shall, upon application of any Executor, Administrator, Guardian or Trustee, to any one of them, grant to the applicant, a full and complete exemplification of the record concerning the estate controlled by such applicant, or any part thereof, under his official signature and seal of office; which copy of said record, when the original record shall have been destroyed by fire, or otherwise, shall be admitted as evidence in the Courts of this State, without further proof; and the said Ordinaries shall have the same compensation now allowed by law.

Exemplifications of records.

To be received in evidence when original is destroyed.

SEC. III. Repeals conflicting laws.

Assented to December 19th, 1860.

SUPREME COURT DECISION.—There is no law authorizing the administrator of a deceased guardian, to make returns to the Court of Ordinary, of moneys paid out for the ward, either by the guardian in his life time, or by the administrator afterwards; and such returns, when made, are not evidence for the benefit of the guardian. 29, Ga. Rep. 82.

(No. 25.)

An Act to authorize the Courts of Ordinary of this State, to issue executions in favor of widows and children, for the twelve months' support allowed them by appraisers appointed for that purpose, under an Act of the General Assembly, approved the 19th day of February, A. D., 1856.

8. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That whenever, under the second section of said Act, approved the nineteenth day of February, A. D., 1856, the return of the appraisers setting apart a sum of money, shall have been received, and the same made the judgment of the Court, and no appeal taken therefrom, it shall be the duty of the Ordinary to issue a writ of *fiery facias* for said sum, in favor of the applicant, against such administrator or executor, to be levied upon the estate of the intestate, or testator, in the hands of such administrator or executor.

Ordinaries may issue execution for 12 months' support of widow and children.

Assented to, 19th December, 1860,

(No. 26.)

An Act to repeal an an Act requiring the Clerks of the Court of Ordinary of the several Counties of this State, to advertise all applications for letters of administration at the Court House door of said Counties, thirty days before granting said letters.

Letters of administration heretofore granted without 30 days' notice having been given at Court House door, legalized.

9. SECTION I. *Be it enacted, &c.,* That all letters of administration heretofore granted by the Courts of Ordinary of this State, without the same being advertised thirty days at the Court House door of said county, be, and the same are hereby made valid; *provided*, that the other requisites of the law shall have been complied with.

In future such notice not necessary.

10. SEC. II. *And be it further enacted*, That the act requiring the Clerks of the Courts of Ordinary of the several counties in this State, to advertise applications for letters of administration at the Court House door, of said county, thirty days before granting such letters, be, and the same is hereby repealed.

SEC. III. Repeals conflicting laws.

Assented to 19th December, 1860.

REFERENCE NOTE.—By the II Section of an Act of 1799, (Cobb's new Digest, p. 311.) it was enacted that "all applications for letters of administration shall be made to the Clerk of such Court of Ordinary, who shall give notice thereof in one of the public gazettes of this State, and by advertisement at the Court House of such county, at least thirty days before the sitting of the said Court of Ordinary." By the above Act advertising at the Court House is dispensed with; but advertising "in one of the public gazettes of this State," for thirty days, must still be done.

(No. 27.)

An Act to authorize the Ordinaries of this State to dispose of insolvent estates, when the same shall not exceed the sum of one hundred dollars.

Clerk Superior Court not to be compelled to administer on estates worth less than \$100.

11. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, it shall not be necessary as now required by law, for the several Ordinaries of this State to require the Clerks of the several Superior Courts of this State, to take out letters of administration upon the estates of deceased insolvent persons when it shall appear to him that said estate is insolvent, or worth not more than one hundred dollars.

When estate is not worth more than \$100 Ordinary may set apart that sum for widow and children, without administration.

12. SEC. II. *Be it further enacted by the authority aforesaid*, That when application shall be made to him by the Widow or Orphans, of any deceased person entitled to the provisions of this Act, he shall, by order of his Court, set apart for the use of Widows and children, the amount of said estate; *Provided* it does not exceed the sum of one hundred dollars, without requiring administration by the Clerk of the Superior Court, as authorized by law.

SEC. III. Repeals conflicting laws.

Assented to Dec. 17th, 1860.

Guardians of Free Persons of Color.—Pupils Ga. Academy for the Blind.—Ga. Military Ins.

(No. 28.)

An Act to authorize Guardians of Free persons of Color, to make settlements with the Courts of Ordinary; and for other purposes.

13. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, all persons heretofore, or that may hereafter, be appointed Guardian of any Free person of Color, in this State, shall be allowed to make return of his or her acts as Guardian, as aforesaid, upon oath, to the Ordinary of their respective counties; and that the same shall be recorded in said Court; which record shall be received as evidence in any Court of justice in this State.

Sec. II. Repeals conflicting laws.

Assented to 17th December, 1860.

TITLE XI.

GEORGIA ACADEMY FOR THE BLIND.

SEC. 1. \$7,000 appropriated for support of pupils in 1861; \$1,000 to provide a work department for pupils.

(No. 29.)

An Act to appropriate money for the support of the pupils of the Georgia Academy for the Blind.

SECTION 1. *Be it enacted by the General Assembly of Georgia,* That the sum of seven thousand dollars be, and the same is hereby appropriated, to support the pupils of the Georgia Academy for the Blind, during the current political year; and that the further sum of one thousand dollars be, and the same is hereby appropriated, to provide a work department for said pupils; and that the Governor is hereby authorized to draw his warrant on the Treasury, in favor of the Trustees of said Academy, for the said sums of money.

Assented to December 7th, 1860.

TITLE XII.

GEORGIA MILITARY INSTITUTE.

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| <p>SEC. 1. Board of Inspectors constituted; Board may make by-laws; shall have all the powers and perform all the duties of old Boards of Trustees and Visitors.</p> <p>" 2. Board shall keep account of all receipts and disbursements, and report same to Gov. with vouchers; which shall be by him laid before the Legislature, at each session.</p> <p>" 3. Gov. to be <i>ex-officio</i>, President of Board; and shall fill all vacancies in same.</p> | <p>" 4. Board shall elect a President <i>pro-tem</i>; three members of Bd. to constitute a quorum to transact all ordinary business; but the by-laws cannot be altered except by a majority of whole Board.</p> <p>" 5. Gov. may appoint Board of Visitors, not over 7: their duties.</p> <p>" 6. \$5,204, 94, appropriated to pay salaries of Professors and Faculty, now due.</p> |
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(No. 30.)

An Act to provide for the better organization of the Georgia Military Institute, at Marietta; to appropriate money for the same; and for other purposes therein mentioned.

SECTION 1. *Be it enacted &c.,* That his Excellency the Governor be, and he is hereby authorized, to appoint ten (10) suitable per-

Board of Inspectors of Ga. Military Institute.

Board of Inspectors constituted. Board may make by-laws. Board shall have all the powers and perform all the duties of the old board of trustees and visitors.

Board shall keep account of all receipts and disbursements. Shall report same to Gov. to be laid before Legislature by him at each session.

Gov. to be ex-officio Pres't. of Board, and shall fill vacancies in same.

Board shall elect a Pres't. pro tem.

Three members of Bd. to form a quorum to transact ordinary business.

By-laws cannot be altered except by a majority of whole Board.

Gov. may appoint Board of Visitors—not more than 7.

Their duty.

*\$5,204 94 appropriated to pay salaries due Professors and Faculty.

sons who shall constitute a Board of Inspectors for the Georgia Military Institute; which said Board shall have power to make such rules, regulations and by-laws, as may be necessary and proper for the Government of the Institute; and shall have all the powers heretofore granted, and perform all the duties heretofore required, of the Board of Trustees, and Board of Visitors, or either of them.

SEC. II. *Be it further enacted*, That said Board shall cause to be kept a strict account of all moneys received and paid out on account of said Institute, and report the same to his Excellency the Governor, at the end of each session, together with the proper vouchers for the same; all which, together with the report of the Superintendent, shall be by him laid before the General Assembly, at the regular session thereof, in each and every year.

SEC. III. *Be it further enacted*, That his Excellency the Governor, and his successors in office, be, and they are hereby respectively appointed, *ex-officio*, President of said Board of Inspectors; and all vacancies in said Board, by death or otherwise, shall be immediately communicated to the Governor, who will proceed to fill the same.

SEC. IV. *Be it further enacted*, That said Board shall elect a President *pro tempore*, who shall act in the absence of the Governor; and three of said Board of Inspectors shall constitute a quorum to hold a Court of Appeals, and for the transaction of all ordinary business connected with said Institute, but no rule or regulation shall be adopted or altered unless a majority of said Board be present.

SEC. V. *Be it further enacted*, That his Excellency the Governor may annually appoint such number of gentlemen as he may think proper, not exceeding seven, who shall constitute a Board of Visitors of the Georgia Military Institute; whose duty it shall be to attend the annual examination of the Cadets in said Institute.

SEC. VI. *Be it further enacted*, That the sum of five thousand and two hundred and four dollars and twenty-four cents, be, and the same is hereby appropriated, to pay the salaries now due the Professors and Faculty of said Institute.

Assented to December 17th, 1860.

NOTE. For Act appropriating \$347.60 for extra work done on Georgia Military Institute, see Act No. 75. Title appropriations, in private and local laws.

TITLE XIII.

INSOLVENT DEBTORS.

SEC. 1. Mode of surveying land exempt from levy and sale.

(No. 31.)

An Act to provide for the survey of lands claimed as exempt, under the statute assented to December 11th, 1841; and for other purposes.

SECTION I. *Be it enacted, &c.*, That, from and after the passage of this Act, whenever a debtor may desire to claim the quantity

Foreign Insurance Companies.—Controversy of West. & At. R. R. vs. E. B Reynolds.

of land exempted from levy and sale under execution, it may be lawful for him, or her, to have said land laid off by any competent surveyor, when there is no county surveyor in the county where said land may lie.

Mode of lay-
out of land,
exempt from
levy and sale.

SEC. II. *And be it further enacted*, That, in all cases where surveys have heretofore been made as contemplated in the first section of this Act, they shall be considered as valid as if done by a county surveyor.

Such surveys
of lands here-
tofore made,
legalized.

SEC. III. Repeals conflicting laws.

Assented to Dec. 18th, 1860.

TITLE XIV.

INSURANCE COMPANIES.

SEC. I. Operation of Act of 12th Dec., 1859, postponed till 21st Dec., 1861.

(No. 32.)

*An Act to postpone the operation of "an Act to regulate the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner," assented to 12th December, 1859.**

SECTION I. *Be it enacted, &c.*, That the operation of an Act entitled "An Act to regulate the agencies of Foreign Insurance Companies, and to provide for the appointment of an Insurance Commissioner," assented to 12th December, 1859, is hereby postponed until the 21st day of December, 1861.

Act of 12th
Dec. 1859,
postponed un-
til 21st Dec
1861.

SEC. II. Repeals conflicting laws.

Assented to Dec. 10th, 1860.

* For this Act, see Acts of 1859, p. 38.

TITLE XV.

JUDICIARY.

I. SUPERIOR AND INFERIOR COURTS.

ART. I. *Circuits and Sessions.*“ II. *Action, Proceedings, &c.*

II. COURTS OF SPECIAL JURISDICTION.

ART. I. *Justices' Courts.*

I. SUPERIOR AND INFERIOR COURTS.

ART. I. *Circuits and Sessions.*

SECTION 1. Chattahoochee Co. attached to Chattahoochee Circuit.	SECTION 12. January terms of Superior Courts of Floyd to be held on 4th, instead of 3d Monday; may hold three weeks, if necessary; writs, processes, &c.
“ 2. Supr. and Inf. Courts, when held in.	“ 13. Times of holding Inf. Courts of Calhoun County.
“ 3. Supr. Courts of Bibb, when held.	“ 14. Times of holding Inferior Courts of Bibb Co.
“ 4. Times of holding Superior Courts in Bryan Co.	“ 15. Times of holding Superior Courts in Glynn, Wayne, Camden, Charlton.
“ 5. Writs, processes, &c.	“ 16. Times of holding Superior Courts in Floyd; may hold three weeks, if necessary.
“ 6. Previous proceedings of Chattahoochee and Quitman Superior Courts legalized.	“ 17. Times of holding Superior Courts in Wilkinson; writs, processes, &c.
“ 7. Times of holding Pike Supr. Courts.	“ 18. Times of holding Supr. Courts in Polk, Carroll; this Act not to take effect as to Polk, till after next reg. term.
“ 8. Times of holding Superior Courts in Clay Co.	“ 19. Supr. Ct. in Jasper Co. may be held two weeks, when necessary; two panels of jurors may be drawn for second week.
“ 9. Times of holding Inf. Courts in Clay Co.; all intervening Courts to stand over to terms as fixed by this Act.	
“ 10. Times of holding Inferior Courts in Glascock Co.	
“ 11. Times of holding Superior Courts in Bibb Co.	

(No. 33.)

An Act to add the county of Chattahoochee to the Chattahoochee Circuit, and to fix the times of holding the Superior and Inferior Courts thereof.

After 1st January 1861, Chattahoochee co. to become a part of the Chattahoochee Judicial Circuit.
Superior Courts held 4th Monday in March and September.
Inferior Courts held 3rd Monday in June and December.

1. SECTION I. *The General Assembly do enact, That, from and after the first day of January next, the county of Chattahoochee shall be added to, and become part of, the Chattahoochee Judicial Circuit.*

2. SEC. II. And, that the Superior Courts thereof shall be holden on the fourth Monday in March and September, in each and every year. And that the Inferior Courts thereof shall be holden on the third Mondays in June and December, in each and every year.

Assented to December 6th, 1860.

Superior Courts of the counties of Bibb, Bryan, Chattahoochee and Quitman.

(No. 34.)

An Act to change the time of holding the Superior Court of the county of Bibb.

3. SECTION I. *The General Assembly of the State of Georgia do enact*, That the time of holding the Superior Court of the county of Bibb be, and the same is hereby changed from the second Monday of May and November, to the third Monday of May and November, in each and every year. Sup'r. Court held 3rd Monday in May and Nov.

Assented to, 12 December, 1860.

(No. 35.)

An Act to change the time of holding the Superior Courts in the county of Bryan.

4. SECTION I. *Be it enacted, by the Senate and House of Representatives*, That, from and after the passage of this Act, the sittings of the Superior Courts, in the county of Bryan, shall be changed from the time now prescribed by law; and that they shall hereafter be held on the Monday after the third Monday in April, and on the second Monday after the fourth Monday in November, in each and every year. Times of holding Superior Courts in Bryan co.

5. SEC. II. *And be it further enacted*, That all processes, business and proceedings pending therein, or returnable to any of said Courts, shall be acted on and cognizable in said several Courts, at the times specified for holding the same, as if they were returnable to said specified terms. Writes, processes, &c.

SEC. III. Repeals conflicting laws.

Assented to 16 November, 1860.

(No. 36.)

An Act to legalize and make valid the several sessions of Chattahoochee and Quitman Superior Courts, of the Pataula Circuit; and also to change the time of holding the Superior Courts of Pike county.

WHEREAS, the Superior Courts of the counties of Chattahoochee and Quitman, of the Pataula Circuit, have been for the past three years appointed by law to sit on the same days, thus rendering it necessary for the Judge of said Circuit, alternately, to adjourn said Court to some other days; and some doubts being entertained as to the legality of said adjournment, for remedy whereof: Preamble.

6. SECTION I. *The General Assembly of the State of Georgia do enact*, That all the sessions of said Courts, and all the business done thereat, shall be as legal, and as effectual and valid, as though said Courts had been holden at the times fixed by law. Previous proceedings of Chattahoochee & Quitman Superior Courts, legalized.

7. SEC. II. *And the General Assembly do further enact*, That the October term of Pike Superior Court, from and after the passage of this Act, be changed from Tuesday after the first Monday, to the first Monday of the same month. Times of holding Pike Superior Courts.

Assented to 6th December, 1860.

Superior and Inferior Courts of Clay—Inferior Courts of Glascock—Sup'r. Court of Muscogee.

(No. 37.)

An Act to change the times of holding the Superior and Inferior Courts of the county of Clay, and for other purposes.

Sup'r. Courts
in Clay count-
ty, held 2d
Monday in
June and De-
cember.
Inferior Ct's.,
2d Monday
in March and
September.

S. SECTION I. *Be it enacted by the General Assembly*, That, from and after the passage of this Act, the times of holding the Superior and Inferior Courts of the county of Clay shall be on the second Mondays of June and of December, for the Superior, and the second Mondays of March and of September, for the Inferior Court of said county.

Writs, pro-
cesses, &c.

9. SEC. II. *Be it further enacted*, That all suits and other processes brought, or to be brought, to the existing terms of said Courts shall be returnable, and have day in the terms, as established by this Act; and that all the Courts which would intervene between the passage of this Act and the times specified for the next terms in this Act, do stand over to the times prescribed therein.

All interven-
ing Courts to
stand over to
terms as fixed
by this Act.

SEC. III. All laws to the contrary are hereby repealed.
Assented to 19th December, 1860.

(No. 38.)

An Act to change the time of holding the Inferior Courts of the county of Glascock.

Infr. Courts
of Glascock
county held
3d Monday
in January
and July.

10. SEC. I. *Be it enacted*, That from and after the passage of this Act, the Inferior Court of the county of Glascock, shall hold their regular Terms on the third Monday in January and July, instead of the fourth Monday in May and November, as now prescribed by law.

SEC. II. Repeals conflicting laws.
Assented to December 1st, 1860.

(No. 39.)

An Act to change and fix the times of holding the Superior Courts of the counties of Muscogee and Floyd; and also to change and fix the times of holding the Inferior Courts of the counties of Catoosa and Bibb.

Sup. Ct's. of
Bibb, held 2d
Monday in
May and Nov.

11. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, the Superior Courts of the county of Muscogee, shall be holden on the second Monday in May and November, in each and every year.

Jan. term of
the Sup. Ct's.
of Floyd, held
4th Monday,
instead of 3d.
May held
three weeks,
if necessary.
Writs, pro-
cesses, &c.

12. SEC. II. *Be it further enacted*, That from and after the passage of this Act, instead of on the third Monday in January, in each and every year, the Superior Courts of the county of Floyd, shall be held on the fourth Monday in January, in each and every year, and continue for three weeks, if necessary; and that all writs and processes which have been made returnable to the said Courts on the third Monday in January next, shall be considered as returnable on the fourth Monday; and be as valid as if they had been made returnable, any law to the contrary notwithstanding.

Times of holding the Superior Courts in certain counties changed.

13. SEC. III. *Be it further enacted*, That the Inferior Courts of the county of Catoosa, shall be changed from the fourth Monday in January and July, to the second Monday in February and August. Infr. Courts of Catoosa, held 2d Monday in Feb. and August.

14. SEC. IV. *Be it further enacted*, That the Inferior Courts of Bibb county, shall be held on the third Monday in February and August, in each and every year. Infr. Courts of Bibb held 3rd Monday in Feb. and August.

SEC. V. Repeals conflicting laws.

Assented to December 19, 1860.

(No. 40.)

An Act to change the time of holding the Superior Courts in the counties of Glynn, Wayne, Camden and Charlton, in the Brunswick Judicial District; and to change the time of holding the Superior Courts in the county of Floyd.

15. SEC. I. *Be it enacted, &c.*, That hereafter, the time of holding the Superior Courts in the county of Glynn, shall be on the third Mondays in April and October; in the county of Wayne, on the fourth Mondays in April and October; in the county of Camden, on Friday after the fourth Monday in April and October; and in the county of Charlton, on Monday after the fourth Monday in April and October, in each and every year. Times of holding Superior Courts in Glynn, Wayne, Camden, Charlton.

16. SEC. II. *Be it further enacted*, That from and after the passage of this Act, the Superior Courts of the county of Floyd, shall be held on the fourth Monday in January and first Monday in July, in each and every year, and continue for three weeks at each term, if necessary. Supr. Courts in Floyd held 4th Monday in January & 1st Monday in July, & May hold three weeks.

SEC. III. Repeals conflicting laws.

Assented to 18th December, 1860.

(No. 41.)

An Act to change the times of holding the Superior Courts of Washington, Wilkinson, Polk and Carroll counties; and to add the county of Washington to the Ocmulgee Judicial Circuit, and for other purposes herein mentioned.*

17. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Superior Courts for the county of Wilkinson be held hereafter on the first Mondays in April and October, in each and every year; and that all writs and process be made to conform to this alteration of the times of holding said Courts. Sup. Ct's of Wilkinson held 1st Monday in April and October. Writs, processes, &c.

18. SEC. II. *And be it further enacted*, That from and after the passage of this Act, the Superior Courts of the county of Polk, be held on the third Mondays in February and August, in each and every year; and the Superior Courts of the county of Carroll, be held on the first and second Mondays in April and October, in each and every year; and that part of an Act entitled An Act, to change and fix the time of holding the Superior Courts in the

* Though this clause is in the caption, there is no corresponding provision in the body of the Act. COMPILER.

Judges Superior Courts.

counties of Heard, Carroll, Campbell and Floyd, and to change the time of holding the Inferior Courts of the county of Heard, and to add the county of Paulding to the Tallapoosa Circuit, assented to December 7th, 1859, which changes the time of holding Carroll inferior Court, and fixes the time of holding Polk Superior Courts, be, and the same is hereby repealed; *Provided*, that portion of this Act, changing the time of holding Polk Superior Court, shall not take effect until after the next regular Term of said Court.

This Act not to take effect as to Polk, till after next regular term.

Sup. Court in Jasper may be held two weeks, when necessary.

Two panels of Jurors may be drawn for second week.

19. SEC. III. *And be it further enacted*, That it shall and may be lawful for the Superior Court of the county of Jasper, to be held two weeks, whenever, in the opinion of the presiding Judge, the business of said Court may require it; and it is hereby made lawful for said Judge, or the Justices of the Inferior Court of said county, to draw additional panels of Grand and Petit Jurors, to serve for the second week of said Court.

4. SEC. IV. Repeals conflicting laws.
Assented to December 19, 1860.

ART. II. ACTION, PROCEEDINGS, &c.

- SECTION 1. Judges of Superior Courts to give charges in writing, when required by counsel; any other charge, error.
- " 2. All such charges to be filed by Clerk, and copies to be given, when required, on payment of fees.
- " 3. When Judge Supr. Ct. is incompetent to try cause, any competent att'y present may be called to preside as Judge in such case. His powers and duties as temporary Judge.
- " 4. Form of verdict, and evidence admissible, under Act of 27 Decem. 1847. Mode of proceedings, under said Act, prescribed.
- " 5. Clerks Supr. Cts. allowed two days, from filing bills in Equity, to make out copies of same. Such copies may be served 25 days before Court.
- " 6. Mode of recovering on bonds given by vagrants, under 22d sec. of 10th div. of Penal Code.
- SECTION 7. Duties of Att'y and Solicitors Gen. in suits on bonds given by vagrants. Their fees and per centage.
- " 8. Answers to *certioraris* may be traversed. Issue may be formed, and proof admitted on trial, as in other cases.
- " 9. Issue shall be tried by special jury, or, the facts may be submitted to the Court.
- " 10. Mode of perfecting service of all writs, processes, &c., on the Nashville & Chattanooga R. R. Co., in this State. Liabilities imposed upon said R. R. Co.
- " 11. All suits pending in Superior Court of Heard Co., against B. H. Wright, to be transferred to the Supr. Court of Carroll Co. Supr. Court of Carroll Co. to try, and dispose of said suits.

(No. 42.)

An Act to require the Judges of the Superior Courts of this State to give their charges to Jurors in writing, in the cases therein mentioned.

1. SECTION I. *Be it enacted, &c.*, That, from and after the passage of this Act, the Judges of the Superior Courts of this State shall, in all cases of felony, and, on the final or appeal trial of all civil cases tried before them, give their charges to the jury in writing; that is to say, shall write out their charges, and read the same to the jury, when the counsel for either party shall require them so to do; and that it shall be error for such Judge to give any other, or additional charge, than that so written out and read.

Judges of Sup. Cts. to give charges in writing.

Any other charge given, error.

All such charges to be filed by Clerk, who shall give copies, when required.

2. SEC. II. *And be it further enacted, by the authority aforesaid*, That the charge so written out and read, as aforesaid, shall be filed with the Clerk of the Court in which the same was given, and shall be

accessible to all persons interested in the same; and the Clerk shall give certified copies of the same to any person applying for the same, upon the payment of the usual fee.

Assented to Dec. 17, 1860.

(No. 43.)

An Act to provide for the trial of causes in the Superior Courts of this State, where the Judges presiding in such Courts shall be incompetent to try the same, under existing laws.

3. SECTION I. *Be it enacted*, That, in all cases now pending, or that may hereafter be instituted, in the Superior Courts of this State, where the Judge presiding in such Court shall, by reason of interest, relationship, or other cause, be incompetent to try the same, or when he shall have been of counsel for either of the parties litigant, in such cases, it shall and may be lawful for the parties litigant, their agents or attorneys, to select any competent attorney in attendance upon the Court, to act as Judge for the trial of such case, or cases,—which election shall be reduced to writing; and the person so elected shall have administered to him the usual oath, by the Judge presiding in such Court,—which oath, together with the agreement of the parties, being entered on the minutes of the Court, the person selected by the parties, as aforesaid, shall have full power and authority to hear and determine all questions that may be raised on the trial of such cases; to hear and determine motions for new trials, and to examine and certify bills of exceptions, as fully and completely as the presiding Judge might do, if competent to try such cases; and shall have the same powers to enforce the attendance of witnesses, and preserve order, during the trial of such cases.

When Judge Sup. Court is incompetent to try cause, any competent Attorney present may be called to preside as Judge in such case.

His powers and duties as such temporary Judge.

Assented to 19th Dec. 1860.

(44.)

*An Act to amend an Act entitled An Act to simplify and curtail pleadings at law, approved 27th Dec. 1847**

WHEREAS, as contrariety of opinions exists as to the form of the verdicts of juries, and as to what may be proven under the forms prescribed by said Act, for remedy whereof,

4. SECTION I. *The General Assembly do enact*, That, in all actions which have been heretofore, or may be hereafter commenced, in the forms prescribed by said Act, the form of the verdict, and the evidence admissible, shall be the same as though said actions had been commenced and prosecuted under the forms existing and in use prior to the passage of said Act; *provided* that, to the declaration prescribed for the recovery of land and mesne profits, the plaintiff shall annex an abstract of the title relied on for such recovery; and *provided*, also, that it shall be at the option of the plaintiffs in action to recover personal property, to say, upon the

Form of verdict, and evidence admissible, under Act of 27th Dec. 1847.

Mode of proceedings under said Act, prescribed.

* See T. R. R. Cobb's New Digest, p. 490.

trial thereof, whether they will accept an alternative verdict for the property, or its value; or whether they will demand a verdict for the damages alone, or for the property alone, and its hire, if any; and it shall be the duty of the Court to instruct the jury to render verdicts as the plaintiffs may thus select.

Assented to Dec. 8, 1860.

(No. 45.)

An Act to give to the Clerks of the Superior Courts time to make out copies of Bills in Equity, and time to Sheriffs to serve the same.

5. SECTION I. *Be it enacted, &c.*, That, from and after the passage of this Act, two days from the filing of any bill in Equity, shall be allowed the Clerks of the Superior Courts of the several counties of the State, in which to make out copies of all bills in Equity; and service of such copies, on defendants, shall be perfected twenty-five days previous to the first day of the sitting of the Court in which such suit in Equity may be commenced.

Assented to 17 Dec. 1860.

NOTE.—Heretofore copies of all bills in Equity were required to be served upon defendants, thirty days before the sitting of the Court in which such bills were returnable.—T. R. R. Cobb's New Digest, p. 467.

(No. 46.)

*An Act to point out the mode of recovering on bonds given by vagrants, in pursuance of the twenty-second section of the tenth division of the Penal Code.**

Preamble.

WHEREAS, There is at present no provision made in the laws of this State for recovering on bonds given by vagrants, by virtue of the twenty-second section of the tenth division of the Penal Code, when the conditions in said bonds have been violated; for remedy whereof,

Mode of recovering on Bonds given by Vagrants, under 22nd Sec. of 10th Div. of Penal Code.

6. SECTION I. *The General Assembly of the State of Georgia do enact*, That, when any person, prosecuted as a vagrant, shall give bond and security in terms of the twenty-second section and tenth division of the Penal Code of this State, and shall violate the conditions of said bond, and that fact shall be made to appear to the Court where said indictment was found, by the affidavit of the prosecutor, or any other person, it shall be the duty of the Court to cause a *scire facias* to issue, calling upon the principal in said bond, and his security, to show cause, at the next term of said Court, why said bond shall not be forfeited; on which an issue shall be made up, if desired by the defendants, and tried by a jury; and if it shall appear that said defendant has violated the conditions in said bond, judgment shall be awarded on said *scire facias*, against said principal and his securities, for the penalty in said bond, with costs of suit.

* For 22 Sec. of 10th Div. of Penal Code, see T. R. R. Cobb's New Digest, p. 820.

Mode of controverting the answers to Certiorari—Nashville & Chattanooga Rail Road Company.

7. SEC. II. *Be it further enacted*, That it shall be the duty of the Attorneys and Solicitors General to represent the State in all suits on bonds, as aforesaid; and he shall receive five dollars for prosecuting the *scire facias*, to be taxed in the bill of costs; and also five per cent. of the amount recovered on said bond.

Duties of Attorney & Solicitor Gen'l. in suits on such bonds.

Their fees & per centage.

SEC. III. Repeals conflicting laws.

Assented to Dec. 19th, 1860.

(No, 47.)

An Act to authorize and prescribe the mode of' contraverting the answers to Certiorari, and to try issues made thereupon; and for other purposes.

S. Section I. *Be it enacted by the General Assembly of Georgia*, That it shall be lawful for parties interested in any suit or suits, brought in the Justices' Courts of this State, which may be carried to the Superior Courts, to controvert and form an issue upon the answer or answers, that may be made to such certiorari; and that proof shall be admitted upon the trial of such issue, as in other cases.

Answers to certiorari may be traversed.

Issue may be formed and proof received on trial, as in other cases.

9. Sec. II. *And be it further enacted*, That said issue shall be tried by a special jury, as is now provided for the trial of other causes; unless, by agreement of the parties, the facts are submitted to the consideration of the court.

Issue shall be tried by special Jury—or, the facts may be submitted to the Court.

Sec. III. Repeals conflicting laws.

Assented to 15 December, 1860.

SUP. COURT DECIS. 1. A trial in the Justice Court took place on the 27th day of Nov. 1857, and the party cast filed his petition for *certiorari*, on the 28th of May. *Held*, that the *certiorari* was not applied for within six months "from and after the trial," as required by the law.—*Jones vs. Smith*, 28, Ga. Rep, 41.

2. A second *certiorari* may be sued out in the same case, provided the first was not dismissed upon the merits.—*Harlow vs. Roper, Searry & Co.* *Ibid*, 218.

3. It is not indispensably necessary that the Clerk should endorse "filed," on the petition for *certiorari*.—*Ibid*.

4. Where a previous *certiorari* has issued and been answered by the magistrates, and subsequently dismissed, the answer of the Justices to the first *certiorari*, may be adopted and sent up by them, as their response to the second.—*Ibid*,

(No. 48.*)

An Act to enable parties having claims against the Nashville and Chattanooga Rail Road Company, in the State of Georgia, to perfect service upon said Company; and for other purposes.

Whereas, The Nashville and Chattanooga Rail Road runs about three miles through the county of Dade, in this State, and there being no station, or agent, in the State upon whom to perfect service on said company for any injury to stock, property or person, for remedy whereof,

Preamble

10. Section I. *Be it enacted*, That from and after the passage of this Act, the Justices of the Inferior Court in and for the county of Dade, shall cause to be erected a post at a place in said county, known as Lookout, on said Road; and upon any process, warrant,

Mode of perfecting service of writs, &c., on Nashville and Chattanooga R. R. Co.

* Though this act is not strictly a Public Law, yet as it is of considerable local importance, and pertains to the Judiciary, the compiler deems it best to class it with the Public Laws, in the JUDICIARY.

Suits of B. H. Wright transferred from Heard to Carroll Superior Court.

Liabilities
imposed upon
said Railroad
Co.

summons or notice, from the Superior, Inferior or Justices' Court, being issued against said Company, and the same being posted on said post, and a copy thereof sent by mail, to the address of the President of said Rail Road, on or before the day it is placed on said post, by the Sheriff, Deputy Sheriff, Constable or Coroner, authorized to serve the same, shall be deemed and held as a full and complete service, as if the same had been served on any officer, agent or employee of said company; and shall have the same binding effect as the service upon any of said officers, agents and employees of any Rail Road Company in this State; and said Company is hereby held responsible and liable for all injury and damages to the citizens of this State, that the several Rail Road Companies in this State are; and the service of any writ, process, summons or notice, by any officer authorized to serve the same, upon complying with terms aforesaid, shall be deemed and held complete and full in law.

Sec. II. Repeals conflicting laws.

Assented to December 20, 1860.

(No. 49.)

An Act to transfer all suits now pending in the Superior Court of the County of Heard, in which Benjamin H. Wright is defendant, and all writs, processes, interrogatories and other papers appertaining to said suits, to the Superior Court of the County of Carroll.

Preamble.

Whereas, by the passage of an act of the General Assembly, in the year 1856,* the residence of B. H. Wright was changed from the county of Heard, to the county of Carroll, by the alteration of the county line between the two counties; *and whereas*, there was at that time, a suit or suits, pending in the county of Heard, against the said B. H. Wright, which are yet undetermined, Therefore,

All suits
pending in
Sup. Courts of
Heard county
against B. H.
Wright, to be
transferred to
Sup. Court of
Carroll co.
Sup. Court of
Carroll to try
and dispose
said suit.

11. Section 1. *Be it enacted by the General Assembly*, That all suits now pending in the Superior Court of the county of Heard, in which B. H. Wright, a resident of the county of Carroll, is defendant, and all papers appertaining to the same, be, and the same are hereby required to be transferred to the Superior Court of the county of Carroll; and that said Superior Court have and exercise jurisdiction of said case, or cases, and try and dispose of the same, according to the forms of Law; and that all laws militating against this act be, and the same are hereby repealed.

Assented to December 20, 1860.

*See Acts of 1855, 6, p. 129. See also acts of 1831, pamphlet p. 73.

Law in regard to taking depositions in Justices' Court—Amacalola Camp Ground.

II. COURTS OF SPECIAL JURISDICTION.

ART. I. *Justices' Courts.*

Section 1, One or more commissioners to execute interrogatories for Justices' Courts, need not be a Justice of the Peace.

" 2. Commissioners to take such interrogatories may issue in blank, as in other cases.

Section 3. Traverse of grounds of attachment returnable to Justices' Courts, to be tried by a jury.

" 4. When there is no Constable in a District, a Constable of any other District in the county may serve writs, processes, &c., in such vacant District.

(No. 50.)

An Act to change the law in regard to taking depositions in Justices Courts; and for other purposes therein named.

1. Section I, *Be it enacted* &c., That from and after the passage of this act, it shall not be necessary for one or more of the Commissioners to execute interrogatories, and take depositions intended to be used in any Justices' Court of this State, to be a Justice of the Peace; but the same may be taken by any other persons.

2. Sec. II. *Be it further enacted*, That Commissioners for the taking depositions may issue in blank, as in the Superior and Inferior Courts of this State.

Sec. III. Repeals all conflicting laws.

Assented to December 6th, 1860.

NOTE.—For the law as it heretofore stood, as to taking depositions to be used in Justices' Courts, see T. R. R. Cobb's New Digest, p. 613.

(No. 51.)

*An Act to amend the thirty-first Section of the Attachment Law of this State, approved 4th March, 1856. **

3. SECTION I. *Be it enacted*, &c., That the following clause shall be added to the thirty-first section of said Act, to-wit; where the attachment is returnable to a Justices' Court, the issue formed upon the traverse, as aforesaid, shall be tried by a Jury, in the same manner as appeal cases in Justice's Courts.

Sec. II. Repeal conflicting laws.

Assented to 17th Dec. 1860.

(No. 52.)

An Act to authorize Constables in any Militia District in this State, to serve writs and other process of law, outside of their respective districts, in certain cases.

4. SECTION I. *Be enacted*, &c., That from and after the passage of this Act, it shall be lawful in case of the removal by death, resignation or otherwise, of any Constable in any Militia District in this State for Constables in any other District of the same county, to serve writs or any other process of law, in said District, as if elected or appointed in said District.

Sec. II. Repeals conflicting laws.

Assented to 18th Dec., 1860.

NOTE. Previous to this enactment, Constables could not serve writs, processes, &c., outside their own districts, except upon itinerant persons; or with a bail or criminal process; T. R. R. Cobb's New Digest, p. 613. If there was no Constable in a District, the Magistrate could appoint; Ibid, 201; or, if the Constable in a district were absent, or disabled from performing his duties, in case of emergency, the Justice could also appoint. Ibid, 214; also, 215.

* See Acts of 1855-6, p. 33.

TITLE XVI.

LIEN.

SEC. 1. Act of 11th Dec. 1841, amended; SEC. 2. Same remedies to enforce liens given by this Act, as those prescribed by Act of 11th Dec. 1841.
 Lien provided in said Act, extended to Ship-Carpenters, &c. for materials furnished and work done.

(No. 53)

An Act to amend an Act, entitled An Act to give all persons employed on all Steamboats and other water Crafts, on the Chattahoochee, Altamaha, and Ocmulgee Rivers, a lien on said Steamboats or water-crafts, for his, her, or their wages, and for wood and provisions furnished; and to point out and facilitate the mode of the collection of the same, assented to December 11, 1841; and for other purposes therein mentioned.*

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, all the provisions of an Act assented to December 11th, 1841, entitled "An Act to give all persons employed on Steamboats and other water crafts on the Chattahoochee, Altamaha and Ocmulgee Rivers, a lien on said Steamboats or water crafts, for his, her, or their wages, and for wood and provisions furnished, and to point out and facilitate the mode of the collection of the same, and of all acts amendatory thereof, shall be so extended as to give to all ship carpenters, and other persons employed, or engaged in building or repairing such steam boats, or other water crafts, an exclusive lien on the same, superior in dignity to, and of higher claim than all other incumbrances or liens, no matter of what value or kind they may be, for any debts, dues or demands he, she, or they may have against said Steamboat, or water craft, or the owner, or owners thereof, for work and labor done, or materials furnished in the building or repairing the same.

SEC. II. *And be it further enacted,* That the persons provided for in this Act, shall have the same remedies for enforcing said lien, that are pointed out in the act in which this is an amendment, and the several acts amendatory thereof.

SEC. III. Repeals conflicting laws.

Assented to December 19, 1860.

* For Act of 11th Dec. 1841 and Acts amendatory thereof, see T. R. R. Cobb's New Digest p. 126, 7, 848, and notes.

Money appropriated for the common defence of the State of Georgia.

TITLE XVII.

MILITARY.

- SEC. 1. \$1,000,000, appropriated as Military Fund for 1861.
- " 2. State Bonds may be issued to raise said Fund, in whole or in part.
- " 3. Governor may accept services of 10,000 Volunteer troops; to be organized under order of Commander-in-Chief.
- " 4. Organization of Brigade; of Division.
- " 5. Organization of Regiment of Infantry, Field Officers for same.
- " 6. Organization of Battalion; To be commanded by Maj. or Lieut. Col., and elected by Commissioned Officers of the Companies.
- " 7. Organization of Companies of Cavalry, to be Organized into Regiments of Battalions; How commanded.
- " 8. Organization of Artillery Companies; How commanded.
- " 9. General officers of this force, to be not more than two Maj. Generals, and four Brigadier Generals, to be appointed by Commander-in-Chief, by consent of two-thirds of Senate; They may appoint their own Staff; If greater force than a Regiment, but less than Brigade, should be at first required, it may be commanded by a Brigadier General.
- " 10. How this force is to be uniformed and equipped; How disciplined.

- SEC. 11. All conflicting Statutes, repealed.
- " 12. Office of Adjutant and Inspector General, established; His powers and duties.
- " 13. His term of Office, during good behavior; How removed; His salary \$3,000 per annum.
- " 14. Volunteer Corps may be furnished with arms, though not uniformed; *Proviso.*
- " 15. For the encouragement of Volunteer Artillery Corps; \$200 appropriated to each Corps, on certain conditions, which is limited to seven companies.
- " 16. "Cherokee Artillery," of Rome, incorporated; and entitled to all the benefits of this Act.
- " 17. Further powers and privileges to Cherokee Artillery.
- " 18. All Volunteer Corps incorporated, on certain conditions.
- " 19. Courts of Enquiry and Courts Martial.
- " 20. Exemptions and privileges of members; Certificate by Commanding Officer as to membership.
- " 21. Arms, &c., to be furnished by Governor.
- " 22. This Act to be cumulative; and to apply to Corps, to be organized in future.

(No. 54.)

An Act to provide for the common defence of the State of Georgia, and to appropriate money for the same.

WHEREAS, The protection of the rights and the preservation of the liberties of the people of Georgia, require that the State should be placed in a posture of complete defence. Preamble.

1. SECTION. I. *Be it therefore enacted, &c.,* That the sum of one million of dollars be, and the same is hereby appropriated, as a Military Fund for the year eighteen hundred and sixty-one; to be expended by the Governor, in such manner as he may deem best, for the purpose of placing the State in a condition of defence; unless otherwise appropriated by direct action of the General Assembly, to the purpose aforesaid. \$1,000,000 appropriated as a Military Fund for 1861.

2. SEC. II. *And be it further enacted, &c.,* That, should there, at any time, be a deficiency of money in the Treasury, not otherwise appropriated, necessary to meet, in whole or in part, as it may be needed, the said appropriation, then, the Governor be, and he is hereby authorized and empowered to issue and negotiate bonds of the State, of five hundred dollars each, payable twenty years from date, bearing six per cent. interest, payable semi-annually, with coupons attached, in such sums as may be requisite to supply such deficiency. State Bonds may be issued to raise said Fund.

Assented to Nov. 16th, 1860.

Governor may raise 10,000 State troops.

(No. 55.)

An Act to provide for the public defense, and for other purposes.

Governor
may raise
10,000 State
troops.

3. SECTION I. *Be it enacted*, &c., That the Governor and Commander-in-Chief, be, and he is hereby authorized to accept the services of any number of volunteer troops, not exceeding ten thousand, of Artillery, Cavalry and Infantry; each in such proportions as the exigencies of the service may require; each company composing the Brigade shall elect its own commissioned and non-commissioned officers, of the rank and number now provided by the military laws of this State; which troops shall be organized under the orders of the Commander-in-Chief, as hereinafter provided.

To be organized under order of Commander-in-Chief.

Organization of Brigade—
of Division.

4. SEC. II. *Be it further enacted*, That a Brigade shall be composed of not less than two thousand men, and shall not be of greater strength than four thousand men aggregate of all arms of the service; and that a Division shall consist of not less than four thousand men, and shall not be of greater strength than eight thousand, in the aggregate.

Organization of Reg't of Infantry—
Field officers for same.

5. SEC. III. *Be it further enacted*, That each Regiment of Infantry, shall be composed of ten Companies of not less than fifty, or more than eighty men, to the Company, rank and file; and each Regiment shall have the following Field officers; one Colonel, one Lieutenant Colonel and one Major; who shall be elected by the commissioned officers of the Companies of the Regiment.

Organization of Battalion—to be commanded by Maj. or Lieut. Col., and elected by Command.

Officers of Companies.

6. SEC. IV. *Be it further enacted*, That in case, in the opinion of the Commander-in-Chief, it becomes necessary to accept the services of a Battalion, or less body of infantry than a Regiment, such Battalion shall, if consisting of five companies or more, be commanded by a Lieutenant Colonel; and if consisting of less than five Companies and more than one such Battalion, shall be commanded by a Major: which Lieutenant Colonel, or Major, shall be elected by the commissioned officers of the Companies of the Battalion.

Companies of Cavalry—

how officers d.

7. SEC. V. *Be it further enacted*, That each Company of Cavalry shall consist of not less than thirty-five men, rank and file, nor of more than sixty men; and that the Cavalry shall be organized into Regiments or Battalions, in like manner as provided for the Infantry in sections third and fourth of this Act; which Regiments or Battalions, shall have the same Field officers as therein provided; and who shall be elected likewise by the commissioned officers of the companies composing the Regiment or Battalion.

Artillery Companies—

how commanded.

8. SEC. VI. *Be it further enacted*, That each Company of Artillery shall consist of not less than sixty-four, nor more than eighty men; and in case four or more Companies of Artillery with batteries, shall be called into service, there shall be one Colonel of Artillery, who shall be attached to the staff of the Senior General Officer commanding the troops, and who shall, under his direction, exercise general supervision over the Artillery, in service; and who shall be elected by the commissioned officers of the Artillery.

The office of Adjutant and Inspector General organized.

9. SEC. VII. *Be it further enacted*, That the General officers necessary for carrying into effect the provisions of this act, not to exceed two Major Generals and four Brigadier Generals, shall, as they are called into the service, be appointed by the Commander-in-Chief, by and with the advice and consent of two-thirds of the Senate; and the said General Officers shall have authority to appoint their own staff, as is now provided for the staff of general officers of Militia. Should the exigencies of the service at first require a force of troops greater than a Regiment, the Commander-in-Chief shall be authorized to appoint a Brigadier General to command such first Requisition, although the numerical strength may not be equal to the number prescribed for a Brigade in section second of this act; which Brigadier General shall be appointed as hereinbefore provided.

General Officers. Not more than two Major Generals and four Brig. Generals.

10. SEC. VIII. *Be it further enacted*, That all troops when in the service of the State of Georgia, shall be uniformed and equipped in a manner prescribed by the Adjutant and Inspector General of Georgia, under the direction of the Commander-in-Chief; and shall be disciplined according to the statutes of Georgia, now in force and hereafter to be enacted, and the custom of Military service.

Force to be uniformed & disciplined as directed by Ad't. Gen. & Governor.

11. SEC. IX. *And be it further enacted*, That all Acts and parts of Acts, which are inconsistent with the execution of the provisions of this Act, shall be, and the same are hereby repealed.

Conflicting laws repealed.

Assented to 18th Dec. 1860.

(No. 56.)

An Act to organize the office of Adjutant and Inspector General, of the State of Georgia.

12. SECTION I. *Be it enacted, &c.*, That the Commander-in-Chief, with the advice and consent of two-thirds of the Senate, shall appoint an officer to be called Adjutant and Inspector General, with the rank of Colonel. The Adjutant and Inspector General, shall reside and keep his office at the seat of Government. He shall obey all orders given him by the Commander-in-Chief, in relation to the duties of his office; and keep a fair record of all orders and communications which he shall receive from time to time. He shall require annual returns from the Major and Brigadier Generals, from which he shall make out a general return of the whole strength of the Militia and forces of the State. He shall provide accurate abstracts of annual returns for Divisions, Brigades, Regiments and Companies, both of the Militia and Volunteers; which forms, when made out, shall exhibit the strength of arms and accoutrements, equipments and munitions of such Divisions, Brigades, Regiments and Companies, and a description of the Corps composing the same; and shall transmit these abstracts for annual returns, to all officers; who are required to fill them at such times as may be designated in general orders. All military orders and commissions, shall pass through the office of the Adju-

Office of Adj't and Inspector General established.

His power and duties.

Arms furnished ununiformed organized Volunteer Companies—Artillery Companies.

tant and Inspector General. He shall lay before the Governor every communication he may receive on military affairs requiring Executive action. He shall attend all public reviews when the Commander-in-Chief shall review any portion of the forces or the whole of them. He shall, whenever required by the Commander-in-Chief, inspect the Arsenal and Armories of the State, which shall be under his charge, and all applications for the distribution of arms, shall be made to him. He shall also act as Inspector General of the State; and shall, whenever ordered by the Commander-in-Chief, inspect any portion of the military forces of the State.

Office to be held during good behavior. How removed. His salary \$3,000 a year.

13. SEC. II. *And be it further enacted*, That the Adjutant and Inspector General, shall hold his office during good behavior, subject to removal, on the address of the Governor, by two-thirds of the Senate; and shall receive an annual salary of three thousand dollars.

Assented to Dec. 12th, 1860.

(No 57.)

An Act to authorize the Governor to furnish arms to organized Volunteer Companies not uniformed.

Vol. corps not uniformed, may be furnished with arms. *Provided*.

14. SECTION I. *Be it enacted, &c.*, That the Governor is hereby authorized to furnish Arms to Volunteer Companies which are not uniformed; *Provided* they comply, in all other particulars, with the requirements of the law regulating the distribution of arms.

Assented to Dec. 18th, 1860.

(No. 58.)

An Act to encourage Volunteer Artillery Companies in this State; and to appropriate money for the same.

\$200 appropriated to each Volunteer Corps of Artillery.

This provision extends to only seven Companies.

15. SECTION I. *Be it enacted, &c.*, That whenever the commanding officer of any Volunteer Artillery Company in this State, shall certify to the Governor that there are sixty (60) active members, officers and privates, upon the muster roll of such Company, (a copy of which muster roll shall accompany the certificate,) and that said company has been exercised in the field with its guns, for not less than two hours at each drill; and not less than twelve drills in each year, the Governor shall draw his warrant upon the Treasurer of the State, for the sum of two hundred dollars, to be paid into the fund of said company; *Provided nevertheless*, that the provisions of this Act, shall not extend to more than seven (7) Companies, not excluding such companies as may be already organized, and who may comply with the provisions of this Act.

Cherokee Artillery, of Rome, incorporated, Privileges of this Act extended to them.

16. SEC. II. *Be it further enacted*, That the "Cherokee Artillery," a Volunteer Artillery Company in the city of Rome, be, and the same is hereby incorporated, with full powers to sue and be sued, to plead and be impleaded, to pass all necessary by-laws and regulations for the government of said Corps; and that said "Cherokee Artillery," upon complying with the provisions of the first section of this Act, be entitled to all of its benefits.

All Volunteer Companies of Infantry, Cavalry or Artillery, incorporated.

17. SEC. III. *And be it further enacted*, That the said Cherokee Artillery Company, be entitled to all the privileges extended to the Jackson Artillery, of the city of Macon, by virtue of their Act of incorporation, approved December 14th, 1859.*

SEC. IV. Repeals conflicting laws.

Assented to 10th December, 1860.

* See Acts of 1859, p. 388.

(No. 59.)

An Act to incorporate all Volunteer Companies of Infantry, Cavalry; or Artillery, which have been, or may hereafter be organized and commissioned, to extend certain privileges to the same, and for other purposes.

18. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That all Volunteer Companies of Infantry, Cavalry or Artillery, which have been, or may hereafter be organized, with not less than thirty members, and have their officers duly commissioned, be, and the same are hereby made a body corporate and politic, under their respective names and styles, and made capable in law to sue and be sued, to plead and be impleaded, to have a common seal, to hold property, real, personal or mixed, and to pass such by-laws, rules and regulations as may be necessary for their government, not inconsistent with the laws and Constitution of this State.

All Volunteer Corps, incorporated, on certain conditions.

19. SEC. II. *Be it further enacted by the authority of the same*, That all Courts of Enquiry, and Courts Martial for Companies incorporated by the provisions of this act, shall be constituted and regulated by the laws in force relating to Volunteer Companies.

Courts of Enquiry and Courts Martial.

20. SEC. III. *Be it further enacted by the authority of the same*, That each member of any Company incorporated by the provisions of this Act, shall be exempt from Road or Militia duty, except such as may be required of them as members of their respective companies, and except in times of insurrection, invasion, rebellion, or war; *Provided*, the Commanding Officer of any company so incorporated, shall have recorded in the offices of the Clerks of the Superior and Inferior Courts, of their respective counties, a full and complete list of the members of their company, and that the above exemption shall continue no longer than actual membership.

Exemptions and privileges of members.

Certificate of Commanding officer, evidence of membership.

21. SEC. IV. *Be it further enacted by the authority of the same*, That the Governor be, and he is hereby authorized to furnish each company incorporated by this Act, with suitable arms, munitions and equipments, the requirements of the laws regulating the same, having first been complied with.

Arms, &c., to be furnished by Gov.

22. SEC. V. This Act shall be held to be cumulative to any Act already passed, conferring privileges upon any company now existing under the laws of this State, which may hereafter be organized.

This Act to be cumulative —to apply to Corps hereafter organized.

SEC. 6. Repeals conflicting laws.

Assented to Dec. 17th, 1860.

TITLE XVIII.

PEDDLERS.

Sec. 1. Act of 15th Dec. 1859, repealed so far as relates to citizens of slave States.

(No. 60.)

An Act to repeal "an Act, entitled an Act to levy a tax on all goods peddled in this State, or sales by samples or otherwise, by itinerant drummers or other persons; and for other purposes, assented to December 15th, 1859."*

Act of 15th
Dec. repealed,
as to citizens
of slavehold-
ing States,

SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, an Act entitled an Act to levy a tax on all goods peddled in this State, or sales by samples, or otherwise, by itinerant drummers or other persons, and for other purposes, assented to December the 15th, 1859 be, and the same is hereby repealed, so far as relates to the citizens of the slaveholding States of the United States.

SEC. II. Repeals conflicting laws.

Assented to 19th Dec., 1860.

* For act of 1859, as to Peddlers, see Acts of that year, p. 58.

TITLE XIX.

PENAL CODE.

Sec. 1. Druggists and others selling poisonous drugs, to keep a register of such sales in certain cases. Penalty for violation.

" 2. Selling poisonous drugs to slaves or free persons of color, prohibited; penalty for violation.

" 3. When such poisonous drug is furnished to slave or free person of color knowing it is to be administered with malicious intent, person so furnishing it, to be imprisoned in Penitentiary not more than 20 nor less than 10 years.

Sec. 4. Penalty in such cases where the poison is actually administered.

" 5. Buying or receiving stolen goods of negro or free person of color. Penitentiary offence; penalty, imprisonment from one to four years.

" 6. The 12th section of the 14th division amended.

" 7. Selling or furnishing weapons to slaves or free negroes, except by owner, prohibited; penalty; proviso.

" 8. This act to be given in charge, specially, by Judges Superior Courts, to Grand Juries.

(No. 61.)

*An Act to amend and add to the Fourth Division of the Penal Code; and for other purposes therein mentioned.**

SECTION 1. *The General Assembly of the State of Georgia enact,* That from and after the passage of this act, any druggist, store-

* See T. R. R. Cobb's New Digest, from p. 783 to 789, inclusive, for the 4th division Penal Code.

Forty-fourth Section Eighth Division of the Penal Code.

keeper or physician, who sells or delivers to any persons other than druggist or practising physician any of the following poisonous drugs, viz: arsenic, strychnine, hydrocyanic acid, and aconite, shall keep a register and enter therein the name and place of residence of the person to whom such drug is sold or delivered, the name and quantity of the poisonous drug so sold or delivered, and the time of the sale or delivery. Any druggist, store-keeper, or physician, who fails or refuses to comply with the provisions of this section, shall be guilty of a misdemeanor; and on conviction thereof, shall be fined, or imprisoned in the common jail of the county; the fine not to exceed five hundred dollars, and the imprisonment not to exceed six months.

Registry of sale of poisonous drugs to be kept by vender.

Penalty.

SEC. II. Any person who shall furnish any slave or free person of color, with any of the drugs enumerated in the first section of this act, or any other poisonous drug, shall be guilty of a felony; and upon conviction thereof, shall be sentenced to hard labor in the Penitentiary for a term not exceeding twenty years.

Sale of, to slaves and free negroes, prohibited.—

SEC. III. If any person shall furnish any slave or free person of color, with any of the drugs enumerated in the first section of this act, or with any other poisonous drug or matter likely to produce death, with the intent or purpose that such poison shall be maliciously administered, in any manner, to any person or persons, such person so furnishing any slave or free person of color with such poison, with the intent aforesaid, shall, on conviction thereof, be punished by confinement and hard labor in the Penitentiary, for a term not exceeding twenty, nor less than ten years.

Penalty. Selling or furnishing such drugs to slaves knowing they will be administered maliciously, Penitentiary offence from 10 to 20 years.

SEC. IV. If any person shall furnish any slave or free person of color, with any poison mentioned in the first section of this act, or any other poisonous drug or matter likely to produce death, with the intent or purpose that such poison shall be in any manner maliciously administered to any person, and if such poison be so administered whereby death to any person ensues, or whereby the health of any person is injured or impaired, such person so offending, shall on conviction thereof, be punished with death, or by imprisonment and hard labor in the Penitentiary for a term not less than five years, at the discretion of the Judge.

Penalty in such cases where the poison is actually administered, death or imprisonment in Penitentiary.

SEC. V. All laws and parts of laws conflicting with this act are hereby repealed, but only so far as they do conflict with the same.

Assented to Dec. 19th, 1860.

(No. 62.)

*An Act to change the Forty-fourth Section of the Eighth Division of the Penal Code of this State.**

SECTION 1. *The General Assembly do enact, That from and after the passage of this act, the forty-fourth section of the eighth Division of the Penal Code of this State, shall be as follows, to-wit:*

*See T. R. Cobb's New Digest, p. 810.

Twelfth Section Thirteenth Division—Additional Section to the Thirteenth Division.

Buying or receiving stolen goods of slaves or free negroes, Penitentiary offence from 1 to 4 years.

That from and after the passage of this act, if any free white person or persons, shall buy or receive any money, goods, chattels, or other effects, from any negro or free person of color, that has or have been stolen, or feloniously taken, knowing the same to have been so stolen or feloniously taken, such person or persons, so offending, shall be taken and deemed to be an accessory, or accessories, after the fact; and being convicted thereof, shall be punished by imprisonment and labor in the Penitentiary, for any time not less than one year, nor longer than four years.

SEC. II. Repeals conflicting laws.

Assented to 19th December, 1860.

(No. 63.)

An Act to amend the Twelfth Section of the Thirteenth Division of the Penal Code.

Twelfth Sec. of the Thirteenth Div. of Penal Code, amended.

SECTION I. *The General Assembly of the State of Georgia do enact,* That the Twelfth Section of the Thirteenth Division of the Penal Code, be, and the same is hereby amended, by striking out the following words, "whereby the health of such slave or slaves, may be injured or impaired." *

Assented to December 19th 1860.

* The 12th section of the 13th division of the Penal Code provides that "any owner or employer of a slave, who shall cruelly treat such slave or slaves, by unnecessary or excessive whipping; by withholding proper food or sustenance; by requiring greater labor from such slave or slaves than he, she or they, are able to perform; or by not affording proper clothing, whereby the health of such slaves may be injured and impaired, or cause or permit the same to be done; every such owner or employer, shall be guilty of a misdemeanor, &c."

In order to convict under the above section, as it heretofore stood, it was necessary to prove, in addition to the fact of cruel treatment, &c., also that *thereby the health of such slave or slaves was injured or impaired*; but hereafter, under the above amendment, in order to convict, it will be only necessary to prove the fact of cruel treatment, &c. See T. R. R. Cobb's New Digest, p. 827.

(No. 64.)

An Act to add an additional Section to the 13th Division of the Penal Code, making it penal to sell to or furnish slaves or free persons of color, with weapons of offence and defence; and for other purposes therein mentioned.

Selling or furnishing weapons to slaves or free negroes, prohibited. Pen. alty.

SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, any person other than the owner, who shall sell or furnish to any slave or free person of color, any gun, pistol, bowie knife, slung shot, sword cane, or other weapon used for the purpose of offence or defence, shall, on indictment and conviction, be fined by the Court in a sum not exceeding five hundred dollars, and imprisoned in the common Jail of the county not exceeding six months, at the discretion of the Court; *Provided,* That this Act shall not be so construed as to prevent owners or overseers from furnishing a slave with a gun for the purpose of killing birds, &c., about the plantation of such owner or overseer.

Proviso as to owners and overseers, in certain cases.

Slaves employed on Rail Roads.—Bail for slaves in certain cases.

SEC. II. *And be it further enacted*, That it shall be the duty of the several Judges of the Superior Courts of this State, to give special-ly in charge to the Grand Juries of the several Courts, the provisions of this act. Judges to give this Act in charge.

SEC. 3. Repeals conflicting laws.

Assented to 19th December, 1860.

TITLE XX.

ROADS.

Moneys received in lieu of work on Roads by negroes employed by Rail Road Contractors, to be expended on such Roads.

(No. 65.)

*An Act to repeal, [amend?] "an Act to exempt negroes employed by Contractors in the construction of Rail Roads, from liability to work on Roads, on certain conditions."**

SECTION I. *Be it enacted*, &c., That said recited Act, be so amended as to require the several Overseers of Roads, into whose hands any moneys may come by virtue of the provisions of said recited Act, to expend said moneys in hiring hands to work on the Roads, of which they are respectively overseers. Moneys received in lieu of work on Roads by negroes employed by R. R. contractors, to be expended on such Roads.

SEC. II. Repeals conflicting laws.

Assented to 19th December, 1860.

*See Acts of 1859, p. 65.

TITLE XXI.

SLAVES AND FREE PERSONS OF COLOR.

SECTION 1. Slaves committed to jail for crime may be admitted to bail—proviso. SECTION 2. Slaves or free persons of color may be admitted to bail, in certain cases.

(No. 66.)

An Act to authorize the owner, or owners, of Slaves charged with offences against the Laws, to give bail for such slave, or slaves.

1. SECTION. I. *The General Assembly of the State of Georgia do enact*, That when any slave, or slaves, charged with the commission of any offence against the laws of this State, may be committed to Jail, it shall and may be lawful for the owner, or owners, of said Slaves committed to jail for crime, in certain cases, may be admitted to bail.

Bail for Slaves or Free Persons of Color, in certain cases.

Proviso.

slave, or slaves, his agent, or attorney, to sue out before the Judge of the Superior Court, or any Justice of the Inferior Court of the county where such offence was committed, the writ of *Habeas Corpus* for such slave or slaves; and on the return of such writ of *Habeas Corpus*, as now directed by law, such Judge of the Superior Court, or the Justice of the Inferior Court, presiding on the return of the writ of *Habeas Corpus*, may, in their discretion, admit such slave, or slaves, to bail, in a sum not less than double the value of such slave, or slaves; *Provided*, such Judge, or Justice, shall be of the opinion that if such offence, or violation, had been committed by a white person, would be bailable, and not otherwise.

Sec. II. Repeals conflicting laws.

Assented to 17th December, 1860.

[No. 67.]

An Act authorizing bail to be given for slaves, or free persons of color, in certain cases therein mentioned.

Slaves or free persons of color, may be admitted to bail, in certain cases.

2. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That from and after the passage of this Act, in all cases when slaves, or free persons of color, are charged with offences not punishable by loss of life or limbs, and in all cases when the sentence of the Magistrates trying a slave, or free person of color, for any offence, does not extend to loss of life or limbs, and a *Certiorari* has been procured to such sentence, it shall be lawful for the owner, agent, employer, or guardian, of such slave or free person of color, to bail such slave or free person of color, by giving a bail bond, in the usual form, with sufficient securities, in a sum equal to twice the value of such slave, or free person of color, to the Magistrates issuing the warrant against such slave, or free person of color; who is hereby required, when such bond and security is given, to discharge said slave, or free person of color, from imprisonment.

Sec. II. Repeals conflicting laws.

Assented to 19th December, 1860.

TITLE XXII.

TAXES.

SEC. I. Oath of tax payers.

“ 2. First and second secs. of Act of 17 December, 1859, repealed.

“ 3. Defaulters may be relieved from double tax by Justices Infr. Court, on certain conditions.

[SEC. 4. Photographic Ambrotypists, and other similar artists, subject to tax of \$5.

“ 5. Road Commissioners of a District in which there are no Justices of Peace, to make return of persons liable to pay taxes in their Districts, by 1st of May, in each year.

(No. 68.)

An Act to change the form of the oath required of tax-payers in this State.

1. SECTION I. *Be it enacted, &c.,* That, from and after the passage of this Act, the oath hereafter to be administered to tax-payers, in this State, shall be as follows: “You do solemnly swear, (or affirm, as the case may be,) that the account you now give in is a just and true return of all the taxable property, (including solvent notes, bonds, open accounts, or other obligations for money on persons in other States, or bonds of the United States or other States, or of bonds of corporations or companies of other States, or of shipping at sea,) which you were possessed of, held or claimed, on the first day of April last, or was interested in, or entitled unto, either in your own right, or in the right of any other person or persons whatsoever, as parent, guardian, executor, administrator, agent, trustee, or in any other manner whatsoever; and that the value you have affixed to it is a just and true valuation, to the best of your belief; and that you have given in, by number and district, to the best of your ability, all the wild and unimproved lands you own in this State.”*

Oath of Tax payers.

SEC. II. Repeals conflicting laws.

Assented to 19th Dec. 1860.

(No. 69.)

An Act to repeal the first and second sections of an Act of the 17th December, 1859,† relative to defaulters for taxes, and to provide for the relief of said defaulters, in certain cases, and to tax certain articles.

WHEREAS, the first and second sections of the above recited Act have been differently construed by tax payers and others:

2. SECTION I. *Be it enacted, &c.,* That the first and second sections of the Act of the 17th of December, 1859, relative to defaulters for taxes, be, and the same is hereby repealed.3. SEC. II. *Be it further enacted,* That, when any tax payer has been returned as a defaulter, and double taxed, by either the Receiver of Tax Returns, or the Collector, the Justices of the Inferior Court, or a majority of them, when they allow a Collector his insolvent list, be authorized to release said defaulter from the

1st and 2nd Sections of Act of 17th Dec. 1859, repealed.

Defaulters received from double tax by Justices Inferior Court, on certain conditions.

* For oath heretofore administered to tax payers, see T. R. R. Cobb's Digest, p. 1047.

† Sec Acts of 1859, p. 71.

Persons liable to pay taxes returned by Road Commissioners.—W. & A. R. R. and E. B. Reynolds.

default penalty, and only require of him a single tax; *provided*, said defaulter furnishes to said Justices satisfactory evidence that, through providential, or other good and sufficient cause, said defaulter had not an opportunity of making his return to the Receiver of Tax Returns, before he closed his book.

4. SEC. *And be it further enacted*, That Photographic Ambrotypists, and other similar artists, be subject to the five dollars tax now imposed upon Daguerrean artists. All laws to the contrary notwithstanding.

Photographic Ambrotypists and other similar Artists to pay tax of \$5.

Assented to 19 Dec. 1860.

(No. 70.)

An Act to compel the Road Commissioners, in the several militia districts in this State, where there are no Justices of the Peace, to make returns of persons liable to pay taxes in this State.

The Road Commissioners, where no Justice of the Peace in a District, to make return of persons in the District, who are liable to pay taxes.

5. SECTION I. *Be it enacted, by the General Assembly of the State of Georgia*, That, from and after the passage of this Act, it shall be the duty of the Road Commissioners, where there are no Justices of the Peace for the District, to make a return of all persons liable to pay taxes in this State, to the Tax Receiver, in such manner, and under such liabilities as Justices of the Peace are now required by law to do; and that said Commissioners be required to make their said returns by the first day of May, in each year.

SEC. II. Repeals conflicting laws.*

Assented to 19th Dec., 1860.

* See T. R. R. Cobb's Digest, p. 1071.

TITLE XXIII.

WESTERN & ATLANTIC RAILROAD.

SECTION I. Differences between W. & A. R. R., and E. B. Reynolds, to be submitted to arbitration; Dr. G. D. Phillips, and J. W. Lewis, Supt. State Road; if award be in favor of Road, Compt. Genl. to issue execution against Reynolds and his securities; if in favor of Reynolds, Tr. Road to pay same. In meantime, *fi. fa.*, issued by Compt. Genl. against Reynolds, to be stayed.

(No. 71.)

An Act to submit the matters in controversy between the Western & Atlantic Rail Road, and Elzey B. Reynolds, to the arbitrament and award of George D. Phillips, and John W. Lewis, Superintendent of the Western & Atlantic Rail Road; and for other purposes.

Differences between W. & A. R. R. and E. B. Reynolds, to be submitted to Arbitration. Arbitrators, G. D. Phillips and J. W. Lewis.

1. SECTION I. *The General Assembly of the State of Georgia do enact*, That the matters in difference between the Western & Atlantic Rail Road and Elzey B. Reynolds, an alleged defaulter to said Rail Road, be, and the same is hereby submitted to the arbitrament and award of George D. Phillips, auditor, and John W. Lewis, Superintendent, of the Western & Atlantic Rail Road; and

Western & At. R. R. and E. B. Reynolds

if the award shall be in favor of the said Western & Atlantic Rail Road, upon its presentation to the Comptroller General of said State, it shall be his duty to issue *fi. fa.* against the said Elzey B. Reynolds and his securities on his bond, for the amount thus awarded. If such award shall be in favor of the said Elzey B. Reynolds, then, upon the presentation of such award to the Treasurer of said Rail Road, it shall be his duty to pay the same; and that, in the meantime, the *fi. fa.* issued by the Comptroller General of this State, against the said Elzey B. Reynolds and his securities, be stayed.

SEC. II. Repeals conflicting laws.

Assented to December 19, 1860.

NOTE. For Act authorizing "the Gov. to grant to the Georgia Western Rail Road Company, and the Polk Slate Quarry Rail Road Co., the right to build and construct their railroad on the right of way of the Western & Atlantic Rail Road," see Act No. 201, title Internal Transportation, in Private and Local Laws.

For Act appropriating \$2000 to the children of Littlebury James, who was killed on W. & A. R. R., see Act No. 72, Local and Private Laws.

For Act appropriating \$1000 to the widow and children of David Harrison, who was killed on W. & A. R. R., see Act No. 76, Local and Private Laws.

PART II.

LOCAL AND PRIVATE LAWS.

TITLE I.—APPROPRIATIONS.

“ II.—CHURCHES AND CHARITABLE INSTITUTIONS.

ART. I.—CHURCHES.

“ II.—CHARITABLE INSTITUTIONS.

“ III.—CITIES AND TOWNS.

“ IV.—CORPORATIONS.

“ V.—COUNTY LINES.

“ VI.—COUNTY OFFICERS.

“ VII.—COUNTY REGULATIONS.

“ VIII.—COUNTY SITES.

“ IX.—EDUCATION.

ART. I.—ACADEMIES.

“ II.—COLLEGES.

“ III.—COMMON SCHOOLS.

“ IV.—TEACHERS OF POOR CHILDREN.

“ X.—EXECUTORS, ADMINISTRATORS, &c.

“ XI.—INTERNAL TRANSPORTATION.

“ XII.—PARDONS.

“ XIII.—PATROLS.

“ XIV.—PEDDLES.

“ XV.—PHYSICIANS.

“ XVI.—RELIEF.

“ XVII.—ROADS.

“ XVIII.—TAX.

“ XIX.—VOLUNTEER COMPANIES.

PART II. LOCAL AND PRIVATE LAWS.

TITLE I.

APPROPRIATIONS.

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| <p>Sec. 1. App. \$2,000 to the children of Littleberry James, deceased.</p> <p>" 2. App. \$10,000 to the Medical College of Georgia.</p> <p>" 3. Two young men from each Congressional District, and four from the State at large, to be educated free of charge.</p> <p>" 4. App. \$1,000 to build a bridge and turnpike across the Allapaha river, in Irwin county.</p> <p>" 5. Commissioners appointed to receive and to execute bond, for the faithful use of the money.</p> <p>" 6. Commrs to superintend the work.</p> <p>" 7. App. \$1,000 to build a bridge and turnpike across Spring Creek in Miller county.</p> <p>" 8. Commrs appointed to give bond for the faithful use of the money.</p> <p>" 9. App. \$347 60, to pay for work on Laboratory building at Georgia Military Institute.</p> <p>" 10. App. \$1,000 to widow and children of David Harrison, late of Cobb county, deceased.</p> | <p>Sec. 11. Trustee to manage the same with the advice of the Ordinary, in the county where the family may reside.</p> <p>" 12. App. \$3 per volume for all copies of Supreme Court Reports furnished by T. R. R. Cobb to the State, under Act of 1845.</p> <p>" 13. App. \$200 to J. H. Dupree, Receiver of Tax returns of Dooly county.</p> <p>" 14. App. \$10 64 to Hiram L. Travis, of the county of Spalding.</p> <p>" 15. App. \$100 between J. McCrary, T. B. Saxon, W. Nix, B. L. Dyer, and W. J. Hood, of the county of Union.</p> <p>" 16. App. \$500 to Jno. M. Wilhite, of the county of Jackson.</p> <p>" 17. Relief of C. D. Crittenden, of the county of Schley.</p> <p>" 18. Treasurer of Clark Co. to pay \$160 to S. P. Thurmond.</p> <p>" 19. App. \$2 87 1-2 to M. M. Mintz, of the county of Jackson.</p> |
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(No. 72.)

An Act for the relief of the children of Littleberry James, deceased.

WHEREAS, Littleberry James, whilst employed as fireman on the Western and Atlantic Rail Road, was, on the twenty-fifth day of September, eighteen hundred and fifty-three, killed by the train, on which he was fireman, falling through the bridge over the Chickamoggee creek, without any blame, censure or negligence on his part. And, Whereas, the said Littleberry James left a wife and two small children, who were entirely dependent on his daily exertion for their support and maintainance, and who have, since said accident, been in a destitute condition, and supported almost entirely by charity of friends:

1. SECTION I. *Be it enacted, &c.*, That the sum of two thousand dollars be, and the same is hereby appropriated, for the support and maintainance of Francis Bayle James, and Mernelva Catherine James, children of said Littleberry James, deceased, and that the same be paid over to William H. Dorsey, as Trustee for the above named children for the above purpose, upon his giving bond, with

Appropriation of \$2,000 to children of Littleberry James, dec'd.

Medical College of Georgia—Turnpike and Bridge across the Allapaha River.

approved security, to the Ordinary of Fulton county, in double the amount of said sum, for the faithful execution of said trust; and that the Governor is hereby authorized and directed to draw his warrant upon the Treasurer, for the sum of money aforesaid, payable out of any money in the Treasury not otherwise appropriated.

SEC. II. Repeals conflicting laws.

Assented to December 8, 1860.

(No. 73.)

An Act to furnish money to the Medical College of Georgia for the purpose of educating and graduating certain young men in Georgia, and for other purposes.

Appropriation of \$10,000 to the Medical College of Georgia.

2. SECTION I. *The General Assembly of Georgia do enact*, That His Excellency the Governor of the State of Georgia is hereby authorized and required to draw his warrant on the Treasurer of the State for the sum of ten thousand dollars, in favor of the Honorable Ebenezer Starnes, President of the Board of Trustees of the Medical College of Georgia, located at Augusta, which sum is hereby appropriated for the benefit and use of said Medical College of Georgia; conditioned as follows:

Two young men from each Congressional Dist. & four from the State at large, to be educated free of charge.

3. SEC. II. That the above sum is appropriated on condition, that said Medical College of Georgia shall annually, from this time henceforth, as long as they shall keep said sum, instruct, matriculate, lecture and graduate twenty young men in Georgia, who may be unable to pay their own expenses, to be selected by the Governor of the State, two from each Congressional District, and four from the State at large.

Assented to December 12, 1860.

(No. 74.)

An Act to appropriate money for the erection of a Turnpike and Bridge across the Allapaha River, near Irwinville, on the road from Jacksonville, Telfair county, to the city of Albany, in Dougherty county, and to build a Bridge and Turnpike across Spring Creek, in Miller county, and for other purposes.

App. \$4,000 to build a Bridge and Turnpike across the Allapaha River in Irwin county. On condition that the people of the county raise \$1,000 to aid the enterprise.

4. SECTION I. *Be it enacted*, That the sum of four thousand dollars be appropriated for the purpose of building a bridge and turnpike across the Allapaha, in Irwin county, near Irwinville. The Governor shall not draw his warrant for this sum, unless the people of the county shall first raise the sum of one thousand dollars to aid this appropriation, of which the Governor shall have satisfactory evidence.

Commissioners appointed to receive and to execute bond for the faithful use of the money.

5. SEC. II. *And be it enacted*, That Jacob Young, George Paulk, Abraham Clements, Manassa Henderson, and Richard Smith, be, and they are hereby appointed Commissioners, with authority, or a majority of them, to receive the money so appropriated, from the Governor, upon their executing good and sufficient bond in the

Leonard A. Simpson.

sum of sixteen thousand dollars, for the faithful application of the money appropriated to carry out the design of this Act.

6. SEC. III. *And be it further enacted*, That the Commissioners herein named, and their successors, to be appointed by the remainder in case of death, removal, or resignation of any one of them, shall have full and ample power to contract and supervise the said public work, which when completed shall be free.

Commissioners to superintend the work.

7. SEC. IV. *And be it further enacted*, That the sum of one thousand dollars be, and the same is hereby appropriated, for the purpose of building and constructing a bridge and turnpike across the creek and swamp of Spring Creek, in the county of Miller, immediately opposite the town of Colquitt, in said county.

App. \$1,000 to build a Bridge and Turnpike across Spring Creek, in Miller county.

8. SEC. V. *And be it further enacted*, That the Governor is hereby authorized to draw his warrant on the Treasurer, in favor of John S. Means and Bernell Roberts, for the amount aforesaid, upon their giving bond and security for the faithful application of the sum aforesaid; said sum subject to be drawn upon evidence that the county of Miller has raised the sum of one thousand dollars.

Commissioners appointed to receive and give bond for the faithful use of the money. \$1,000 to be raised by the county of Miller.

SEC. VI. Repeals conflicting laws.

Assented to December 14, 1860.

(No. 75.)

An Act to authorize his Excellency, the Governor, to draw his warrant on the Treasury in favor of Leonard A. Simpson, of the county of Cobb, for a sum therein mentioned, for extra work done, and materials furnished by him, in the erection of the laboratory building for the Georgia Military Institute.

WHEREAS, Leonard A. Simpson, of Cobb county, under contract with the Board of Visitors of the Georgia Military Institute, who were authorized under the Act of 1857, to erect new buildings, did erect and fully complete a new Laboratory building, for a certain stipulated sum; and whereas, it was further agreed between the parties, that the said Leonard A. Simpson, should do such extra work as he might be called on to do, and receive pay therefor, at the current price of such work in Marietta. Whereupon, the said Contractor having been called on, and required, did do and perform certain extra work, furnishing materials for the same, for which he charged the sum of three hundred and forty seven dollars and sixty cents, all of which has been fully sustained by proof, which said sum has not been paid him, nor has he been in anywise compensated for said extra work. Therefore,

Preamble.

9. SEC. I. *Be it enacted, &c.*, That from, and immediately after the passage of this Act, His Excellency, the Governor, be, and he is hereby authorized to draw his warrant on the Treasury in favor of Leonard A. Simpson, of Cobb county, for three hundred and forty-seven dollars and sixty cents, for materials furnished, and extra work by him done and performed, in and about the Laboratory building, lately erected for the Georgia Military Institute, out of any moneys not otherwise appropriated.

App. \$347 60 to pay for work on Laboratory building at Georgia Military Institute.

Assented to December 17th 1860.

(No. 76.)

An Act to appropriate money for the purpose of compensating the widow and children of David Harrison, late of the county of Cobb, for damages sustained by them, by reason of the killing of the said David Harrison, their husband and father, whilst in the employment of the Western and Atlantic Railroad, and for other purposes.

\$1,000 to widow and children of David Harrison, late of Cobb county, deceased.

10. SECTION I. *The General Assembly of Georgia do enact*, That the sum of one thousand dollars be, and the same is hereby appropriated, to compensate the widow and six children of David Harrison, late of Cobb county, now deceased, for damages sustained by reason of the killing of the said David Harrison, their husband and father, whilst in the employment of the Western and Atlantic Railroad; and that his Excellency, the Governor of Georgia, do draw his warrant on the Treasurer for said sum, payable to William H. Pilcher, who shall hold and use said sum, as Trustee for said widow and children during the life of said widow, and at her death, to be by him equally divided between said children; said David Harrison being in the employ of the Western and Atlantic Railroad, on section sixth in Cobb county, was on the thirteenth day of December, 1859, killed by the cars on the track of said Road while attempting to remove obstructions from said track.

Trustee to manage fund with advice of the Ordinary in the county where the family now reside.

11. SEC. II. *Be it further enacted*, That the Trustee shall manage said fund, with the advice of the Ordinary of the county in which said widow and children shall reside, in such manner as the Ordinary and Trustee shall think best for the welfare of said widow and children; and the Trustee shall make regular annual returns of all his actings and doings in such management as now provided by law for estates; all laws to the contrary notwithstanding.

Assented to December 17th, 1860.

(No. 77.)

An Act to extend the provisions of an Act, passed December 19th, 1859, "to allow and make compensation to the Reporter of the Supreme Court, for certain volumes of the Decisions of said Court, furnished by him under the provisions of the Act of 1845," so as to include therein the former Reporter of said Court.

App. \$3 per volume for all copies of Supreme Court Reports, furnished by T. R. R. Cobb, to the State, under Act of 1845.

12. SECTION I. *Be it enacted*, &c., That the provisions of the Act recited in the title of this Act, be so extended, as to authorize the Governor, to pay to Thomas R. R. Cobb, former Reporter of the Supreme Court, the sum of three dollars per volume, for all the Reports furnished to the State by him without compensation, under the provisions of the Act of 1845.

SEC. II. Repeals conflicting laws.

Assented to 19th Dec., 1860.

Jeremiah H. Dupree—Hiram L. Travis.

(No. 78.)

An Act for the relief of Jeremiah H. Dupree, Receiver of Tax Returns in and for the county of Dooly.

WHEREAS, Jeremiah H. Dupree, of the county of Dooly, and State of Georgia, was the Receiver of Tax Returns, in and for said county of Dooly, for the year eighteen hundred and sixty, and having entered upon his duties as such, had performed said duty faithfully, so far as to have taken down all the persons liable to pay taxes in said county, with their property, value, &c., in terms of the law, had made out all his digests, except a small portion, late one Saturday night, placed the same away to be completed on Monday; on Sunday went over a short distance to attend Church, and during his short absence, his house, and all he possessed in it, as well as said digests of Tax Returns were burnt up by fire, with his said dwelling house, from some cause unknown to him, either by accident or otherwise, and he was compelled again to enter upon the same duty at once, and to perform the same service which he did in a faithful manner, riding almost incessantly night and day, seeing every person liable to pay taxes, retook them in due time, without delay, at great pains, labor, incessant toil, trouble to himself and injury to his horses, to accomplish his said work, which he did fully and properly accomplish; and whereas, it has always been the policy of this State to properly reward a faithful servant, and to relieve against the act of God or casual accidents over which the party could have no control, and not to have the faithful labor of a public servant for nothing, but where labor was actually performed, to reward it commensurate with the worth of that labor. Therefore,

13. SECTION I. *Be it enacted &c.,* That the sum of two hundred dollars is hereby appropriated for the relief of said Jeremiah H. Dupree, the present Receiver of Tax Returns, in and for said county of Dooly, for the year eighteen hundred and sixty, the same being commensurate with the said services, by him rendered, as if he were taking in the Returns for the ensuing year, and such amount as he would have received for such services by law, and that His Excellency, the Governor, be authorized to draw his warrant on the Treasurer in favor of said Jeremiah H. Dupree for the same.

App. \$200 to
J. H. Dupree,
Tax Receiver
of Dooly co.

Assented to December 19th, 1860.

(No. 79.)

An Act for the relief of Hiram L. Travis of the county of Spalding from double Tax.

WHEREAS, Hiram L. Travis, of the county of Spalding, did not give in his tax for the year 1860, on account of a long spell of sickness, and whereas the Tax Receiver of said county, of Spald-

Preamble.

James McCrary, Samuel B. Saxon, and others —John M. Willhite.

ing, did double tax the said Hiram L. Travis, which double tax amounts to twenty-one dollars and twenty-eight cents; for remedy whereof,

14. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the Governor be, and he is hereby ordered to draw his warrant on the Treasury, for the sum of ten dollars and sixty-four cents, to refund the same, to said Hiram L. Travis, which amount has been paid over to the State; and the same be handed over to the Senator of said county.

App. \$10 64
to Hiram L.
Travis, of the
county of
Spalding.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860.

(No. 80.)

An Act for the relief of James McCrary, Samuel B. Saxon, William Nix, Bluford L. Dyer, and William J. Hood, of the county of Union.

Preamble. WHEREAS, The said James McCrary, and the other persons above named, did at great risk, trouble and fatigue, arrest and remand to the authorities of Habersham county, one John Black, a murderer and fugitive, who had escaped from said county; and whereas, for this Act of public justice, vigilance and fidelity to the laws of the State, said persons have never received any compensation. Therefore,

15. SECTION, I. *Be it enacted, &c.*, That the sum of one hundred dollars be, and the same is hereby appropriated out of any money in the Treasury, not otherwise appropriated; and that the Governor be authorized to draw his warrant on the Treasury for said sum in favor of said persons, and that when drawn, to be equally divided between them as compensation for the arrest and rendition of said fugitive.

App. \$100 be-
tween James
McCrary, S.
B. Saxon, W.
Nix, B. L.
Dyer, and W.
J. Hood, of
the county of
Union.

SEC. II. Repeals conflicting laws.

Assented to December 19th, 1860.

(No. 81.)

An Act for the relief of John M. Willhite of the county of Jackson.

Preamble. WHEREAS, John M. Willhite, of the county of Jackson, drew Lot of Land, Number one hundred and eight, in the fifteenth District of Houston county; and a grant to said Lot, was issued to him on the first of April, 1837; and whereas Mark Womock, and Green Womock, of the county of Jones, as the orphans of William Womock, drew Lot Number two hundred and eighty-two, in the twelfth District of Early county, and the said Green Womock not knowing that they had drawn the same, afterwards gave in his name individually, in Buckhalters, District, Jones county, and drew said Lot, Number one hundred and eight, in the fifteenth District of Houston county; and whereas, said Green Womock being satisfied that his name was improperly given in, individually did, on the tenth day of March, relinquish to the State, all his right, ti-

C. D. Crittenden.

tle, interest, and claim to said Lot of Land; and whereas, by the inadvertent mistake or neglect of the several officers in the different Executive Departments, the said Lot, Number one hundred eight in the fifteenth District of Houston county, was on the 26th of November, 1825, granted to said Green Womock, illegally, his relinquishment to the State being then of file in the Executive offices of Departments; and whereas an order of the 11th of December, 1833, said Number was put in the Cherokee Land Gold Lottery and drawn out to the name of said Wilhite, and a grant to the same issued to him as above set forth; and whereas the said Wilhite brought an action of Ejectment against the tenant then in possession of Lot Number one hundred and eight, in the fifteenth District of said Houston county, now Macon county, before the Superior Court of said county, and the action of said Ejectment was finally determined against said Wilhite by reason of illegality of the grant issued to Green Womock; and whereas the said Wilhite was put to great trouble and expense in prosecuting his claim in said action of ejectment:

16. SECTION I. *Be it enacted, &c.* That the sum of five hundred dollars be, and the same is hereby appropriated to compensate the said John M. Wilhite, of the county of Jackson, for the damages sustained by him in seeking to recover and establish his title to the Lot of Land in the above preamble described.

App. \$500 to
Jno. M. Wil-
hite, of the
county of
Jackson.

Sec. II. Repeals conflicting laws.

Assented to December the 20th, 1860, with the distinct understanding that the sum herein appropriated is to be received in full of this claim.

JOSEPH E. BROWN, Governor.

(No. 82.)

An Act for the relief of C. D. Crittenden, of the county of Schley, and for other purposes.

WHEREAS, Cincinnatus D. Crittenden, of the county of Schley, on the formation of said county, believing that he resided in the county of Sumter, gave in his tax in said county of Sumter, it being afterwards ascertained that he lived in the county of Schley, in which county, he was double-taxed, but was relieved of said double tax by his paying the single tax, and having applied to the Comptroller General, was released from the State tax as given in the county of Sumter, and applied to the Inferior Court of said county to be relieved of the county tax, in the county of Sumter, under the circumstances, when they refused to relieve him of the payment of said Tax.

Preamble.

17. SECTION I. *Be it therefore enacted, &c.*, That C. D. Crittenden, of the county of Schley be, and he is hereby relieved from paying said tax in the county of Sumter.

Relief of C.
D. Critten-
den, of the
co. of Schley.

18. SEC. II. *Be it further enacted*, That the Treasurer of the county of Clarke be, and he is hereby authorized to pay over to Samuel

Amacalola Camp Ground.

Treasurer of P. Thurmond the sum of four dollars and sixty cents, the amount
 Clark co. to pay \$4.60 to over-paid by him to the Tax Collector, for county purposes, by said
 S. P. Thurmond. Thurmond, in said county of Clarke.

App. \$237 50 19. SEC. III. *Be it further enacted*, That the sum of two dollars
 to M. M. and eighty-seven and one-half cents be refunded to M. M. Mintz;
 Mintz, of the the same being the amount of over tax against him for the year
 co. of Jack- eighteen hundred and fifty seven. The Governor to draw his war-
 son, rant therefor.

SEC. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

TITLE II.

CHURCHES AND CHARITABLE INSTITUTIONS.

ART. I. Churches.

ART. II. Charitable Institutions.

ARTICLE I. CHURCHES.

1. Amacalola Camp Ground.
2. Bethlehem M. E. Church.
3. Charlton Chappell.
4. Friendship Baptist Church.
5. Rea's M. E. Church.
6. Liberty Hill Baptist Church.
7. Mount Vernon Church.
8. Mulberry M. E. Camp Ground.
9. Nails Creek Baptist Church.
10. Pleasant Grove Church.
11. Poplar Spring M. E. Church.
12. Prospect Camp Ground.
13. Second Baptist Church, Kollock St., Augusta.
14. Waltons ville Presbyterian Church.

I. AMACALOLA CAMP GROUND.

Section 1. Corporations—By name and style of Amacalola Camp Ground. Section 2. With power to appoint officers, make rules, &c.

(No. 83.)

An Act to incorporate the Ammacalola Camp Ground of the M. E. Church in Dawson county, and for other purposes therein specified.

1. Section I. *Be it enacted &c.*, That Moses Waters Jr., Henry
 Sherfield, John Lingerfelt, George W. Cockran and Jacob Math-
 eews, members of Ammacalola M. E. Church in Dawson county,
 Georgia, and their successors be, and they are hereby incorpora-
 ted a body corporate, by the name and style of the Ammacalola
 Camp Ground, by which name they are authorised and empow-

By the name
 and style of
 the Amacalo-
 la Camp
 Ground.

Bethlehem M. E. Church.

ered to sue and be sued, and to hold and dispose of such property granted, given, conveyed or divised to them for the purpose of said Camp Ground.

2. Sec. II. *And be it further enacted*, That the members of said Incorporation be, and they are hereby authorized to appoint all necessary officers, and to make all rules and regulations necessary for the good order of their meetings or assemblies, not repugnant to the Constitution of this State, or the United States.

With power to appoint officers, make rules, &c.

Sec. III. Repeals conflicting laws.

Assented to, December 18th, 1860.

II. BETHLEHEM M. E. CHURCH.

Section 3. Corporation—under name and style of Bethlehem M. E. Church and Camp Ground South.

“ 4. With power to extend their corporate limits—Proviso.

Section 5. To make by-laws, rules and regulations.

“ 6. Capable of holding property, using a common seal, &c.

“ 7. May fill vacancies in the Board of Trustees.

(No. 84.)

An Act to incorporate the Methodist Episcopal Church and Camp Ground at Bethlehem, in the county of Walton, in this State, and to appoint Trustees for the same.

3. Section I. *Be it enacted &c.*, That B. G. N. Chandler, Truman K. Smith, James R. Thomson, George W. T. Thomas, Philip H. Thomas, James H. Camp, Alfred P. Thompson, Henry T. Brantly and Bailous S. Watkins, and their successors are hereby incorporated a body corporate and politic, under the name and style of the Bethlehem Episcopal Methodist Church and Camp Ground South of the county of Walton.

Corporators.

4. Sec. II. *Be it further enacted*, That the above named Trustees shall have power to extend the corporation as far as they may think proper or necessary for their good order and protection—Provided it does not militate against the Constitutional rights of any other person or persons.

Under name and style of Bethlehem M. E. Church Camp ground South.

With power to extend their corporate limits. Proviso.

5. Sec. III. *Be it further enacted*, That said Trustees shall have power and authority to make all needful by-laws, rules and regulations for the good order and government of said church and camp-ground, and prevent the sale of spirituous liquors within said corporation, and to suppress all disorderly conduct in regard to the same.

To make by-laws, rules and regulations.

6. Sec. IV. *Be it further enacted*, That said incorporation shall be capable of holding property, of using a common seal, of suing and being sued, and doing all such acts as may be necessary not inconsistent with the laws of this State, or the United States.

Capable of holding property, using a common seal, &c.

7. Sec. V. *Be it further enacted*, That the above named Trustees and their successors, or a majority of them shall have power to fill all vacancies that may occur in said board of Trustees by death, resignation or otherwise.

May fill vacancies in the Board of Trustees.

Sec. 6. Repeals conflicting laws.

Assented to December 20th, 1860.

III. CHARLTON CHAPPELL.

(For act to incorporate, see Act No. 181, "To Incorporate Fort Valley Female College," &c.)

IV. FRIENDSHIP BAPTIST CHURCH.

(For act to incorporate, see Act No. 86, "To Incorporate the Mount Vernon Church," &c.)

V. KEA'S M. E. CHURCH.

(For act to incorporate, see Act No. 85, "To Incorporate Liberty Hill Baptist Church," &c.)

VI. LIBERTY HILL BAPTIST CHURCH.

Section 8, Liberty Hill Baptist Church incorporated.
 " 9, Powers conferred on the Trustees.

Section 10. Election for Trustees to be held on Saturday before the first Sabbath in each year—Proviso,
 " 11. Oxford Female Academy, with certain powers.
 " 12. Kea's M. E. Church Incorporated.

(No. 85.)

An Act to incorporate Liberty Hill Baptist Church, in the county of Henry, and to appoint Trustees for the same; and the Oxford Female Academy in the Town of Oxford; also to appoint commissioners for the Methodist Church in the county of Emanuel, known as Kea's Church, and for other purposes.

Liberty Hill Baptist Church incorporated.

8. Section I. *Be it enacted &c.,* That from and after the passage of this act, William Alexander, Thomas J. Edwards, Andrew Henderson, John M. Pander and Benjamin Hail, and their successors in office be, and they are hereby declared to be a body corporate by the name and style of the Trustees of Liberty Hill Baptist Church in the county of Henry.

Powers conferred on the Trustees.

9. Sec. II. *And be it further enacted by the authority aforesaid,* That the above named Trustees and their successors in office shall be, and they are hereby invested with all manner of property, both real and personal, which they may acquire or be possessed of by gift, grant or purchase, and all privileges and immunities which may belong to the said church at the time of the passage of this act, or which may hereafter be made, conveyed or transferred, to them or their successors in office, to have and to hold the same to the proper use, benefit and behoof of said church; and also that the said Trustees, or a majority of them shall, and they are hereby declared to be capable of suing and being sued, pleading and being impleaded, of having and using a common seal, and also of using all legal and necessary means for the recovering or defending any property whatsoever which the said church may hold, claim, or demand.

Mount Vernon Church and Mount Vernon Academy.

10. Sec. III. *And be it further enacted by the authority aforesaid,* That said Trustees shall hold their office till Saturday before the first Sabbath in January, one thousand eight hundred and sixty-two; at which time, and annually thereafter on Saturday before the first Sabbath in January, the church members shall convene at the church, and elect from their number, five persons as Trustees, who shall hold their office till Saturday, before the first Sabbath in January following, and until other persons are elected as trustees to succeed them; "Provided," That if the church members aforesaid, should at any time neglect to convene at the church, and elect trustees as aforesaid, on Saturday, before the first Sabbath in January, nothing in this act shall be so construed as to prevent holding said election at any other time, after-giving ten days notice of holding said election.

Election for Trustees to be held on Saturday before the 1st Sabbath in Jan. in each year.

Proviso.

11. Sec. IV. *And be it further enacted,* That William J. Parks, J. J. Griffin, Dr. Henry Gaither, G. W. W. Stone, James E. Palmer and Luther M. Smith, and their successors in office, as trustees of the Oxford Female Academy, in the town of Oxford, be and they are hereby incorporated under the style and corporate name of the Oxford Female Academy; and as such, may sue and be sued, may hold property, real and personal, accept donations and legacies, and do all other acts necessary to the educational purposes for which the same is organized; any law to the contrary notwithstanding.

Oxford Female Academy incorporated.

With certain powers.

12. Sec. V. *And be it further enacted by the authority aforesaid,* That Burrel Kea, Francis B. Drake, and William Smith, be appointed commissioners of the Methodist Church in the county of Emanuel, known as Kea's Church, and that they shall have all the rights and privileges of this act.

Ken's M. E. Church incorporated.

SEC. VI. Repeals conflicting laws.

Assented to 20th December, 1860.

7. MOUNT VERNON CHURCH.

Section 13. Mount Vernon Church and Academy incorporated.

" 14. Powers and privileges of Trustees.

" 15. Corporate limits. Trustees may prohibit the sale of spirituous liquors, &c.

Section 16. Trustees may fill all vacancies occurring in the Board.

" 17. Friendship Baptist Church incorporated. Powers and privileges of Trustees. Proviso.

" 18. Trustees may fill vacancies in their own Board.

(No. 86.)

An Act to incorporate the Mount Vernon Church and Mount Vernon Academy, in the county of Walton, and to incorporate the Friendship Baptist Church, in the county of Murray, and for other purposes therein named.

13. SECTION I. *Be it enacted, &c.,* That A. J. McGaughey, John M. B. Moore, W. W. McGaughey, Joseph Long, and Jasper McGaughey, and their successors in office, be, and they are hereby constituted a body corporate and politic, under the name and style of the Mount Vernon Church, and Academy, of the county of Walton.

Mount Vernon Church and Academy incorporated.

Friendship Baptist Church.

Powers and
privileges of
Trustees.

14. SEC. II. *And be it further enacted*, That the Trustees aforesaid, and their successors, may use a common seal, and be capable of suing and being sued, pleading and being impleaded, and be capable in law of holding, possessing, and enjoying by purchase or otherwise, any lands, tenements, heriditaments, goods, and chattels, and other estate, and the same to use in any manner, as may seem to them fit and proper.

Corporate
limits.
Trustees may
prohibit the
sale of spirit-
ous liquors,
&c.

15. SEC. III. *Be it further enacted*, That the corporate limits of said Church and Academy shall extend one half mile in every direction from said Church; and the said Trustees, or their successors, shall have full power and authority to prohibit the sale of ardent spirits within said corporation, and to fine and punish for a violation of the same; and shall have power and authority to make all needful by-laws, rules, and regulations necessary for the good order and government of said corporation, not repugnant to the Constitution and Laws of this State.

Trustees may
fill all vacan-
cies occurring
in the Board.

16. SEC. IV. *Be it further enacted*, That any vacancy, or vacancies, which may occur in said board of Trustees, by death, resignation, or otherwise, may be filled by the remaining Trustees, or a majority of them, at any regular meeting of the same.

Friendship
Baptist
Church in-
corporated.

17. SEC. V. *And be it further enacted*, That from and after the passage of this Act, the Friendship Baptist Church, in the county of Murray, shall be incorporated, under the name and style of the Friendship Baptist Church of Christ; and that elder Giles Dunn, Elisha Coffee, James Potect, E. P. Coffee, and H. H. Hill, and their successors in office, be, and they are hereby appointed, a body politic and corporate; and as such shall be capable in Law, to sue and be sued, to receive by gift, devise, bequest, or purchase, to hold, use, and dispose of any property which said Church may acquire, or which may belong to it; and shall have power to make all necessary and proper by-laws and regulations for carrying their powers into effect, and may have and use a common seal, and may appoint such officers, as, to them, may seem proper and necessary, and to remove the same at pleasure; *Provided*, the same shall not be contrary to the Constitution and Laws of this State.

Powers and
privileges of
Trustees.

Proviso.

Trustees may
fill vacancies
in their own
Board.

18. SEC. VI. *Be it further enacted*, That when any vacancy shall occur in the Board of Trustees, by death, resignation, or otherwise, the same shall be filled by the election of others, by the remaining Trustees, or a majority of them.

SEC. VII: Repeals conflicting laws.

Assented to December 19th, 1860.

Mulberry Methodist Camp Ground.

S. MULBERRY METHODIST CAMP GROUND.

- SEC. 19. Mulberry Methodist Camp Ground incorporated: powers and privileges of Trustees.
- SEC. 21. Trustees have power to fill vacancies—corporate limits to extend one half mile from Camp Ground.
- " 20. Punishment of violators of the rules, &c., of the Trustees.
- " 22. Nails' Creek Baptist Church incorporated—powers of Commissioners.

(No. 87.)

An Act to incorporate Mulberry Methodist Camp Ground, in Gwinnett county, and to appoint Trustees for the same, and for other purposes therein mentioned.

19. SEC. I. *Be it enacted*, That W. W. Parks, John Puckett, James Wilson, sr., B. T. Thomas, V. Mahathey and E. Boyd, and their successors in office, forever be, and they are hereby declared to be a body politic and corporate, under the name and style of the Trustees of the Mulberry Methodist Camp Ground, in Gwinnett county, with power to make and use a common seal, contract and be contracted with, sue and be sued, and plead and be impleaded in the several Courts of law and equity in this State; also to purchase, receive by gift, or otherwise, hold and dispose of, for the use of said Methodist Camp Ground, any property, real or personal, and to make such by-laws for their government as shall be necessary and proper; *provided* they are not repugnant to the constitution and laws of this State, or of the United States.

Mulberry
Methodist
Camp ground
incorporated.

Powers and
privileges of
Trustees.

20. SEC. II. *And be it further enacted*, That all violations of the rules, regulations and by-laws made by the Trustees aforesaid, for the government of said Camp Ground, shall be punishable under the existing laws now of force for the protection of public worship.

Punishment
of violators of
the Rules, &c.,
of the Trustees.

21. SEC. III. *And be it further enacted*, That said Trustees, and their successors, or a majority of them, shall have power to fill all vacancies that may occur in their body by death, resignation, or otherwise; and that the limits of said incorporation shall extend a distance of a half mile in every direction from said Camp Ground.

Trustees have
power to fill
vacancies.

Corporate
limits to extend
½ mile
from Camp
Ground.

22. SEC. IV. *And be it further enacted*, That the Baptist Church at Nail's Creek, in the county of Banks, be hereby incorporated; said incorporation to extend one half mile in every direction from said Church; and that William J. Wyley, W. H. Ariel, and the Deacons of said Church be, and they are hereby constituted Commissioners of said Church, with the power of suing and being sued, answering and being answered unto, of having and holding any real or personal estate, and of passing all by-laws, rules and regulations necessary, not incompatible with the constitution and laws of this State, or the United States.

Nail's Creek
Baptist
Church incor-
porated.

Powers of
Commission-
ers.

Sec. 5. Repeals conflicting laws.

Assented to December 8, 1860.

9. NAILS' CREEK BAPTIST CHURCH.

[For act to Incorporate, see Act No. 87, "To incorporate Mulberry Methodist Camp Ground," &c.]

10. PLEASANT GROVE CHURCH.

[For act to Incorporate, see Act No. 90, "To Incorporate the Second Baptist Church, Kolloch street, Augusta," &c.]

11. POPLAR SPRING M. E. CHURCH.

Sec. 23. Poplar Spring M. E. Church incorporated. Sec. 25. Vacancies to be filled by male members of the Church.

" 24. Powers and privileges of Trustees. " 26. The charter of the town of Thomasville amended.

(No. 88.)

An Act to incorporate the Poplar Spring Methodist Episcopal Church, in the county of Franklin, and to amend and change the several Acts incorporating the the town of Thomasville, in the county of Thomas.

23. SECTION. I. *Be it enacted, &c.*, That the Methodist Episcopal Church, at Poplar Spring, in the county of Franklin, be, and the same is hereby incorporated, under the name and style of the Methodist Episcopal Church at Poplar Spring, in the county of Franklin; and that the limits of said corporation be extended one mile in every direction from said Church; and that Obadiah Dean, Tapley Phillips, Nicholas M. Phillips, Willis Cheek, Joseph H. Jones, Joseph M. Bond, and L. D. Sewel be, and they are hereby appointed Trustees for said Church.

Poplar Spring
M. E. Church
incorporated.

24. SEC. II. *And be it further enacted*, That said Trustees shall have full power and authority to make all by-laws, rules and regulations for the good order and government of said Church within said corporate limits, and shall have full power and authority to prohibit the sale of spirituous liquors within said incorporation, and to do all other acts and things necessary for the good order and government of said Church, within said corporate limits.

Powers and
privilege of
Trustees.

25. SEC. III. *And be it further enacted*, That in case of death or resignation of any of the Trustees aforesaid at any time, the male members of said Church at any regular Church meeting of said Church, shall have full power and authority to fill such vacancy.

Vacancies to
be filled by
male mem-
bers of the
Church.

26. SEC. 4. *And be it further enacted*, That the several acts of incorporation of the town of Thomasville, be so changed as to exclude from the corporate limits of said town, the residence and lots, and fraction of lots owned by R. H. Eaton, and to make the north-western boundary of said corporation, a line running westerly in a direct line with the boundary line of William McLendon's possession, adjoining the town of Thomasville.*

The charter
of the town
of Thomas-
ville amend-
ed.

SEC. III. Repeals conflicting laws.

Assented to December 20, 1860.

* See Acts of 1831, p. 227—amended 1832, pamp. p. 263—corporate limits extended in 1854, pamp. p. 244—amended 1856, pamp. p. 345; again in 1857, pamp. p. 195; and again in 1859, pamp. p. 142.

Prospect Camp Ground.—Second Baptist Church, Kollock St., Augusta.

XII. PROSPECT CAMP GROUND.

Section 27. Prospect Camp Ground incorporated—Powers and privileges of Trustees.

(No. 89.)

An Act to incorporate Prospect Camp Ground in the county of Floyd, and for other purposes.

27. Section I. *The General Assembly of the State of Georgia, do enact*, That N. B. Drew, W. J. Comer, David Vann. D. D. Fleming, Samuel Wragg, James C. Duvall and Jesse Carr be, and are hereby declared a body corporate, by the name and style of Prospect Camp Ground; and they and their successors are hereby invested with power to hold all property heretofore or hereafter conveyed to them in their corporate capacity, for the benefit of said Camp Ground—also shall have power to sue and be sued in their corporate name, and to pass all by-laws necessary to the good government of said Camp Ground; and shall have full power to regulate or prohibit the sale of spirituous liquors within one mile of the said Camp Ground.

Prospect
Camp ground
incorporated.Powers and
privileges of
Trustees.

Assented to December 19th, 1860.

XIII. SECOND BAP. CHURCH, KOLLOCK ST., AUGUSTA.

Section 28. Second Baptist Church, Kollock st., Augusta, incorporated.	Section 31. Vacancies to be filled by ballot.
" 29. Trustees appointed with certain powers.	" 32. Pleasant Grove Academy incorporated.
" 30. Trustees to hold office during life—Proviso.	" 33. Black Spring Academy incorporated, Trustees, their power, &c.

(No. 90.)

An Act to incorporate the Second Baptist Church, Kollock St., Augusta, Georgia; also to incorporate Pleasant Grove Church, and Academy, in the county of Baldwin; also to incorporate Black Spring Academy, in said county of Baldwin.

28. Section I. *Be it enacted &c.*, That Henry J. Sibley, Samuel A. Verdery, Daniel B. Plumb, James Hill, David R. Wright and Richard P. Limmerman be, and they are hereby incorporated and made a body politic, under the name and style of the Second Baptist Church, Kollock St., Augusta, Georgia; and by that name may sue and be sued, plead and be impleaded, answer and be answered unto; and may have and use a common seal, and from time to time, change the same; and to act in all manner as a body corporate.

Second Baptist
Church,
Kollock st.,
Augusta, in-
corporated.

29. Sec. II. *Be it further enacted*, That the said Henry J. Sibley, Samuel A. Verdery, Daniel B. Plumb, James Hill, David R. Wright, and Richard P. Limmerman be, and they are hereby constituted and appointed trustees of said church, and are hereby in-

Trustees ap-
pointed, with
certain pow-
ers.

Second Baptist Church, Kollock St., Augusta.

vested with full power and authority to manage and control all the funds and property of said corporation, subject to the advice and consent of the Church.

Trustees to hold office during life.

Proviso.

30. Sec. III. *Be it further enacted*, That said trustees shall hold their office as trustees during life, providing that the office of trustee shall become vacant upon a trustee ceasing to be a resident of the city of Augusta, or upon a dissolution of his connection with the Baptist Denomination, or upon death, or resignation, or dismissal from office by the Church.

Vacancies to be filled by ballot.

31. Sec. IV. *Be it further enacted*, That all vacancies in the office of trustee, shall be filled by ballot of the said Church, from members of the Baptist denomination.

Pleasant Grove Church incorporated.

Trustees appointed, with certain powers, &c.

32. Sec. V. *And be it further enacted*, That the Church known as Pleasant Grove, in the county of Baldwin, be and the same is hereby incorporated, and shall be known and recognized as a body corporate, by the name of Pleasant Grove Church; and that David P. Brown, Oliver P. Bommer, Thomas Morris, Thomas Horne, and Oscar V. Brown be, and they are hereby appointed trustees of the same, with power to hold real and personal estate, to sue and be sued, to plead and be impleaded, and to do all other acts that bodies corporate and politic of a similar character are authorized to do, and whereas; there were three acres of land donated by a deed of James Horne, dated January 2d, 1829, to certain trustees therein named, for the purpose of erecting a building to be used for preaching and teaching, on which said Pleasant Grove Church is now erected, it is further enacted that said building be, and the same is hereby incorporated as Pleasant Grove Academy, and the persons herein before named, appointed Trustees for the same with full powers by said corporate name to sue and be sued, plead and be impleaded, and to do all other acts and things necessary to carry out the purposes of the original grant, and may use either one of the corporate names aforesaid, as circumstances may require; a majority of said Trustees, may supply any vacancy in their number which may occur by death, resignation or removal, and shall have full power to make all necessary rules and regulations for the proper government and good order of their trusts; which jurisdiction shall extend over the three acres donated as aforesaid.

Pleasant Grove Academy incorporated.

With certain powers and privileges.

Vacancies in Board of trustees may be filled.

33. Sec. VI. *And be it further enacted*, That Black Spring Academy in the county of Baldwin, be and the same is hereby incorporated, and shall be a body corporate and politic by that name, with power to sue and be sued, plead and be impleaded, to answer and be answered unto, to have and use a common seal, to acquire and hold real and personal estate whether obtained by gift, grant, purchase or bequest; and it is hereby further enacted, that James M. Hall, Francis T. Miner, Eliphilet Chandler, Joseph Leonard, Brinkley Babb, Ezekiel Trice, John Speight, William A. Robinson and James M. Gumm, are appointed Trustees for the same; a majority of whom shall have power to fill any vacancy in their number, which may occur by death, resignation, removal or otherwise; and the said Trustees or a Majority of them, may adopt such rules and

Black Spring Academy incorporated.

Trustees appointed, with certain powers and privileges.

Presbyterian Church of Walthoursville.—B'Nai Briss (United Brothers,) Association.

regulations as they deem expedient to the successful management of said Academy, not inconsistent with the laws and constitution of this State.

Sec. VII. Repeals conflicting laws.

Assented to 8th December, 1860.

XIV. WALTHOURSVILLE PRESBYTERIAN CHURCH.

Section. 34. 3d section of the charter of the Presbyterian Church at Walthoursville, amended.

(No. 91.)

*An Act to amend an act, entitled an act to incorporate the Presbyterian Church of Walthoursville, in Liberty county, and to incorporate the Savannah Flour Mill Company, assented to December 10th 1858.**

34. Section I. *Be it enacted, &c.,* That the words "first Wednesday in January," which occur in the third section of said act be, and the same are hereby stricken out, and in lieu thereof, the words "second Wednesday in April," be, and the same are hereby inserted.

3rd section of the charter of the Presbyterian Church at Walthoursville, amended.

SEC. II. Repeals conflicting laws.

Assented to 1st Dec., 1860.

*See Act of 1858, pamph. p. 119.

ARTICLE II. CHARITABLE INSTITUTIONS.

1. *B'Nai Briss (United Brothers) Association of Savannah.*
2. *Kiellin Lodge No. 146, F. A. M.*
3. *Orphans' Home of the Protestant Episcopal Church in Chatham county.*
4. *Pine Grove Lodge, No. 177, F. A. M.*

I. B'NAI BRISS (UNITED BROTHERS ASSOCIATION OF SAVANNAH.

Section 1. B'Nai Briss Association incorporated. Section 2. Powers and Privileges of the same. *Proviso.*

(No. 92.)

An Act to incorporate the B'Nai Briss (United Brothers) Association of Savannah.

WHEREAS, A number of persons of the Hebrew persuasion in the city of Savannah, have associated themselves together, under the name and style of the B'Nai Briss (United Brothers) Association of Savannah, having for their object the moral and religious improvement of its members, the nursing of the sick and burying of the dead; and whereas they are desirous for the better effecting of these objects, that the said Association shall be incorporated.

Preamble.

I. SECTION I. *Be it enacted, &c.,* That Joseph White, Michael Boley, Isaac S. Cohen, J. S. Gartensteig, William Hess, Samuel Singer,

Orphans' Home of the Protestant Episcopal Church, of Chatham County.

B'Nai Briss
Association
incorporated.

Aaron Mitchel and M. Perser, with all other persons as are now, or may hereafter become members of said Association, be, and they are hereby incorporated, and made a body politic, by the name and style of the B'Nai Briss Association of Savannah, with the privilege of using a seal.

Power and
privileges of
the same.

2. SEC. II. *And be it further enacted by the authority of the same,* That the said Association, by the name and style aforesaid, shall be, and they are hereby made able and capable in law, to hold, purchase, receive and enjoy lands and tenements, goods and chattles and effects of what name and nature soever, and the same to grant, alien and dispose of, to sue and be sued, to plead and be impleaded in Courts of law and record, and also, to ordain and put in execution such by-laws and regulations as shall seem necessary for the government of said Association, *provided nevertheless,* That the said by-laws and regulations, are not contrary to the Laws and Constitution of this State and the United States.

Proviso.

SEC. III. Repeals conflicting laws.

Assented to December 1st, 1860.

II. KIVLIN LODGE, No. 146, F. A. M.

(For Act to incorporate, see Act, No. 94, "To incorporate Pine Grove Lodge. No. 177, F. A. M., &c.)

III. ORPHANS HOME OF THE PROTESTANT EPISCOPAL CHURCH, OF CHATHAM COUNTY.

Section 3. Corporate name changed to the "Or-
phans Home of the P. E. Church.
" 4. Qualification of the managers of the Corporation.

Section 5. Shall be under the Supervision of
the Bishop of the P. E. Church
of the Diocese of Ga.

(No. 93.)

An Act to amend An Act to incorporate the Orphans Home of the Protestant Episcopal Church, in Chatham county, passed December 10th, 1859.

Corporate
name changed
to Orphan's
Home of the
P. E. Church.

3. SECTION I. *Be it enacted, &c.,* That the corporate name of the said corporation be, and it is hereby changed to the Orphans Home of the Protestant Episcopal Church.

Qualification
of the man-
agers of the
corporation.

4. SEC. II. *Be it further enacted,* That the managers of said corporation shall always be chosen from among the members of the Protestant Episcopal Church, and residents of Chatham county, as aforesaid.

Shall be under
the supervision
of the Bishop of
the P. E. Church
of the Diocese
of Ga.

5. SEC. III. *Be it further enacted,* That the said corporation shall always be under the Supervision of the Bishops of the Protestant Episcopal Church of the Diocese of Georgia.

SEC. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

IV. PINE GROVE LODGE, No. 177, F. A. M.

Section 6. Pine Grove Lodge, No. 177, F. A. M., incorporated.	Section 9. Vacancies in Board of Trustees to be filled by election.
" 7. Powers and privileges conferred on the same.	" 10. Kivlin Lodge No. 146, F. A. M. incorporated.
" 8. Trustees shall have power to receive and dispose of property real and personal.	

(No. 94.)

An Act to incorporate Pine Grove Lodge, Number one hundred and seventy-seven (177) of Free and Accepted Masons, at Bear Creek, Henry county, Georgia; and Kivlin Lodge, Number one hundred and forty-six (146) of Free and Accepted Masons, in Harris county, Georgia.

6. SEC. *Be it enacted, &c.*, That from and after the passage of this Act, D. W. Fife, W. M., Richard A. Henderson, S. W., Benjamin H. Fortson, J. W., and their successors in office, shall be, and are hereby created, and constituted a body corporate and politic, by the name and style of Pine Grove Lodge of Free and Accepted Masons, Number one hundred and seventy-seven, (177,) located at Bear Creek, in the county of Henry, and State of Georgia.

Pine Grove Lodge, No. 177, F. A. M., incorporated.

7. SEC. II. *And be it further enacted*, That the parties so incorporated as aforesaid, and their successors shall, and they are hereby authorized to have and use a common seal, and to alter the same at pleasure, and by their corporate name aforesaid, to sue and be sued, to plead and be impleaded, answer and be answered unto, in any Court of law or equity, and also, to ordain, establish and alter at pleasure, such By-laws, rules and regulations as may seem necessary and convenient for the management of such corporation, or for the government thereof.

Powers and privileges conferred on the same.

8. SEC. III. *And be it further enacted*, That the parties so incorporated, and their successors shall be, and are hereby authorized and empowered to have, hold, use and enjoy, purchase, receive, possess, alien or dispose of at pleasure, lands, houses, rents, goods and other properties, both real and personal.

Trustees shall have power to receive and dispose of property real and personal.

9. SEC. IV. *And be it further enacted*, That when any vacancy or vacancies in the aforesaid W. M., S. W., J. W., created Trustees by this Act, shall occur by death, resignation, removal or otherwise, such person shall be appointed to fill the vacancy in office of such Trustee so dying, removing or resigning in the Masonic body to which he belongs, under the by-laws of such body, shall by virtue of such appointment be created and constituted the successor of said Trustee in the Board of Trustees.

Vacancies in Board of Trustees to be filled by election.

10. SEC. V. *And be it further enacted*, That Kivlin Lodge, Number one hundred and forty-six of Free and Accepted Masons, situated in the county of Harris, be, and the same is hereby declared a body corporate under the name and style of Kivlin Lodge No. one hundred and forty-six, of Free and Accepted Masons, and that T. J. S. Kimbrough, W. M., W. T. Pike, Senior Warden, and Drury Goring, Junior Warden, and their successors in office be, and they are

Kivlin Lodge, No. 146, F. A. M., incorporated.

With all the privileges conferred on Pine Grove Lodge, No. 177, F. A. M.

Acworth.

hereby declared a body corporate, with all the privileges of the foregoing Act.

Assented to December 10th, 1860.

TITLE III.

CITIES AND TOWNS.

- | | |
|------------------|-------------------|
| 1. Acworth. | 15. Monticello. |
| 2. Atlanta. | 16. Quitman. |
| 3. Augusta. | 17. Rome. |
| 4. Blackshear. | 18. Savannah. |
| 5. Cartersville. | 19. Sparta. |
| 6. Colquitt. | 20. Spring Place. |
| 7. Columbus. | 21. Summerville. |
| 8. Cumming. | 22. Talbotton. |
| 9. Dallas. | 23. Thomasville. |
| 10. Dalton. | 24. Tremonton. |
| 11. Darien. | 25. Valdosta. |
| 12. Hillsboro. | 26. Waresboro. |
| 13. Monroe. | 27. Washington. |
| 14. Montezuma. | |

1. ACWORTH.

Sec. 1. Town of Acworth incorporated.

" 2. Annual election for Commissioners to be held on second Saturday in January.

" 3. Commissioners shall subscribe to an oath before entering on the performance of their duties.

" 4. Powers of Commissioners to pass Ordinances, &c.

Sec. 5. To regulate the retail of spirituous liquors, &c.

" 6. To appoint a Marshal and Clerk.

" 7. Streets of the town to be marked by citizens of the same.

" 8. Commissioners may levy a tax on all persons and property.

" 9. May sue and be sued, plead, &c.

(No. 95.)

An Act to incorporate the town of Acworth, in the county of Cobb, and for other purposes therein mentioned.

Town of Acworth incorporated.

1. SECTION 1. *Be it enacted*, That from and after the passage of this Act, the town of Acworth, in the county of Cobb, be, and the same is hereby incorporated, and that the corporate limits shall extend one half a mile in every direction from the depot of the W. & A. R. R. in said town of Acworth; and that Stephen H. Stokely, M. C. Autrey, Joel Britt, Samuel Robertson, and Smith Lemon, be, and the same are hereby appointed a Board of Commissioners who shall hold their term of office until the second Monday in January Eighteen Hundred and Sixty-two, and until their successors are elected and qualified.

Annual election for Commissioners to be held on second Monday in Jan.

2. SEC. II. *And be it further enacted*, That on each and every second Monday in January thereafter, all the citizens residing within the corporate limits of said town, who shall be entitled to vote for Members of the Legislature of the State, shall be entitled to vote for five Commissioners, at which election any two free-holders of

Acworth.

said town may preside as managers of said election, and the five persons receiving the highest number of votes, shall be declared duly elected, and that the managers of said election, shall give a certificate of the election, which shall be sufficient authority for said Commissioners to enter upon the discharge of their duties; and in case no election should be held by the legal voters as aforesaid, that then, at any time thereafter, on a written notice of the time and place of holding said election, signed by at least two of said Commissioners, being posted in said town ten days previous to holding said election, the citizens of said town may proceed to elect the Board of Commissioners in the same manner as though the same had been held on the second Monday in January.

In case of failure to hold the election, it may be held at any time, ten days notice being given.

3. SEC. III. *And be it further enacted by the authority aforesaid,* That the said Board of Commissioners, before they enter upon the discharge of their official duties, shall, before a Justice of the Inferior Court, Justice of the Peace or other person authorised to administer oaths, take and subscribe the following oath: "I. A. B. do solemnly swear that I will to the utmost of my ability, discharge the duties of Commissioner for the town of Acworth, during my continuance in office, so help me God. And any one of the Commissioners of said Board after being so qualified as aforesaid, shall have power and authority to administer said oath to their successors, and also to administer a similar oath to their Marshal and such other officers as they may have authority to appoint by the provisions of this act, and to qualify and administer oaths generally, to witnesses and all others within their jurisdiction.

Commissioners shall take and subscribe an oath before entering upon the discharge of their duties.

Oath.

4. SEC. IV. *And be it further enacted,* That said Commissioners shall have power and authority to pass all ordinances and by-laws for the government of said town corporation, not in conflict with the constitution and laws of this State and of the United States.

Powers of Commissioners to pass ordinance, &c.

5. SEC. V. *And be it further enacted,* That said Commissioners shall be authorized to grant licenses for the retail of spirituous liquors within the corporate limits of said town under such regulations and restrictions as they may prescribe.

To grant licenses for the retail of spirituous liquors.

6. SEC. VI. *And be it further enacted,* That the Commissioners of said town corporation shall appoint a Marshal and a Clerk who shall be Treasurer, with such compensation as shall be determined on by said Commissioners, and such other officers as may be necessary to carry this act into effect.

Commissioners shall appoint a Marshal and Clerk.

7. SEC. VII. *And be it further enacted,* That all persons liable to road duty by the laws of this State, who reside within the corporate limits of said town, shall be compelled to work the streets of said town, and they shall be exempt from all other road duty.

Streets of said town to be worked by citizens of the same.

8. SEC. VIII. *And be it further enacted,* That the said Board of Commissioners shall have full power and authority to levy and collect a tax upon the person and property of all the citizens in the corporate limits of said town, sufficient to defray the necessary ex-

Comm's. may levy a tax on all persons and property.

Atlanta—Augusta—Blackshear—Cartersville—Colquitt.

Not to exceed
100 per cent
on the State
tax.

Courts may
sue and be
sued, plead,
&c.

penses of said corporation, not to exceed one hundred per cent. on the State tax.

9. SEC. IX. *And be it further enacted*, That the said Board of Commissioners of the town of Aeworth, by their corporate name, shall have power to sue and be sued, to plead and be impleaded, and do all other acts relating to corporate capacity, and shall use and have a common seal, and law to the contrary, notwithstanding.

Assented to Dec. 1st, 1860.

2. ATLANTA.

(For Act to amend the several Acts incorporating, see Act No. 98, "To amend the several Acts incorporating the city of Dalton," &c.)

3. AUGUSTA.

(See Act No. 20, "To authorize Guardians, Trustees, Executors and Administrators to invest in the bonds of the cities of Savannah and Augusta.)

4. BLACKSHEAR.

(For Act to amend the charter of an Act No. 96, "To incorporate the town of Colquitt," &c.)

5. CARTERSVILLE.

(For Act to exempt certain property in the town of Cartersville from taxation, see Act No. 109, "To incorporate the town of Valdosta," &c.)

6. COLQUITT.

SEC. 10. Town of Colquitt incorporated.

" 11. Annual election for Com'rs on second Saturday in January.

" 12. Com'rs shall appoint a Marshal and Clerk. Jurisdiction one fourth of a mile from Court House.

" 13. 2d sec. of an Act incorporating the town of Blackshear, amended. Proviso.

SEC. 14. 4th sec. of the same amended. 6th sec. amended.

" 15. Commiss'rs shall have power to open streets, roads, &c. Proviso.

" 16. Com'rs shall act as J. P., so far as is necessary to preserve the peace in said town.

" 17. Charter of the town of Quitman amended.

(No. 96.)

An Act to incorporate the town of Colquitt, in the county of Miller, to amend the second, fourth and sixth sections of an Act incorporating the town of Blackshear, Pierce county, approved Dec. 16th, 1859, and add additional sections to said Act, and to amend the Act incorporating the town of Quitman, and for other purposes.*

Town of
Colquitt in-
corporated.

10. SECTION I. *Be it enacted*, That Isaac Bush, J. S. Vann, D. F. Gunn, Thos. S. Floyd, and F. M. Hopkins be, and they are, hereby appointed Commissioners of the town of Colquitt, in said State,

* See Acts of 1859—pamph. p. 134.

with full power and authority to make all needful laws, rules and regulations necessary for the government of said town, not repugnant to the Constitution and laws of this State, nor of the United States.

11. SEC. II. *Be it further enacted*, That said Commissioners shall continue in office until the second Saturday in January, (1861,) on which day, and on the second Saturday in January in each and every year thereafter, all persons entitled to vote for members of the Legislature shall assemble at the Court House in said town, and shall by ballot elect five commissioners, who shall continue in office for one year, and until their successors in office are elected and qualified, and shall be eligible to a re-election. Said election shall be held by two Justices of the Peace, or two Justices of the Inferior Court, or one of either, together with one freeholder, whose duty it shall be to count out the votes of said election, and give to the person receiving the highest vote at said election a certificate of his or their election; and, if said election shall, from any cause, fail to be held on the day aforesaid, then it shall be held at such other time as a majority of the commissioners may determine, they giving five days' notice of such election.

Annual election for Commissioners on the second Saturdays in January.

Election to be held by two J. P. or two J. I. C., together with one free holder.

In case of failure to hold the same to be held at some other time.

12. SEC. III. *Be it further enacted*, That said commissioners shall have power to appoint a Marshal and Clerk, and such other officers as they may deem necessary to carry this Act into effect, and that the jurisdiction of said commissioners shall extend one quarter of a mile in each direction from the Court House in said town of Colquitt, and they are hereby authorized to act as commissioners of roads and streets in said town, to the distance aforesaid; and said commissioners shall have power to collect a tax from all shows which may exhibit within said town, as they may think fit and proper, for the use of the incorporation, and impose such a tax on all peddlers as said commissioners may deem necessary, and impose such fines upon persons violating any of the rules and by-laws of said corporation as they may deem necessary for the good order of said town, and to imprison any person who shall fail to pay such fines, in such manner as they may prescribe.

Commissioners shall appoint a Marshal & Clerk.

Jurisdiction to extend 1/4 of a mile from the Court House.

Commissioners shall have power to levy a tax on all shows, peddlers, &c.

13. SEC. IV. *Be it further enacted*, That the second section of an Act, incorporating the town of Blackshear, in Pierce county, approved December the 16th, 1859, be so changed, where it gives the commissioners the sole power of granting licenses to retail spirituous liquors in said town, as only to give them the power to assess the amount specified in said Act, over and above the county license, and that every one getting licenses to retail spirituous liquors in said town, shall be required to obtain a certificate from the Clerk of the Inferior Court of said county, as well as from the commissioners, before they be allowed to retail spirituous liquors in said town, *provided* that nothing in this Act shall be so construed as to affect any one that has licenses, until their expiration.

2nd section of an act incorporating the town of Blackshear, amended.

Proviso.

14. SEC. V. *Be it further enacted*, That the fourth section of said Act be so changed as to give any one of the commissioners of said town the power to have all vacancies filled in the manner directed

4th Sec. of the same amended.

Blackshear.

6th Section amended. by said section of said Act; and that the sixth section of said Act be so changed, where it reads "fine or imprisonment, or either," as to read "fine or imprisonment, or either."

15. SEC. VI. *Be it further enacted*, That the commissioners of said town of Blackshear, in Pierce county, shall have full power and authority to have all the streets and roads in said town opened and kept in good order, to lay out and to form new streets and roads in said town, whenever they may be needed, and, if necessary, to run any street or road through the lands of any person or persons in said town; the commissioners shall have full power and authority to lay out any such street or road in said town through the land or lands of any one, *provided* the commissioners give the parties at interest ten days' notice to come before them at a regular meeting, and choose a man on his, her or their part, and the said commissioners shall choose a man upon their part, and the two thus chosen shall assess the amount of damages such owner or owners sustain by the opening of such street or road through their lands, and the amount thus assessed shall be paid or tendered in payment by the commissioners, before they open such street or road. If any one shall refuse or neglect to comply with the provisions of this Act, said commissioners shall choose two persons on their part, and these two shall choose a third man, and these three thus chosen shall proceed to carry out the provisions of

Comrs. shall have full power to open streets, roads, &c.
 Arbitrators are to be appointed to assess the damages to the lands of parties over which the streets are opened.

Proviso. this section, *provided* the persons chosen for the purposes set forth in this section shall in all cases take and subscribe to an oath to faithfully and impartially perform their duty, and either party dissatisfied with the award shall be entitled to an appeal, within four days thereafter, to the next Superior Court. Said commissioners shall have full power and authority to require all the inhabitants of said town subject to road duty to work upon, and keep in good order, the streets and roads in said town, (and to punish for a failure to work, as the by-laws of said town may direct,) or to assess a poll-tax upon all thus subject to road duty, or to assess a tax upon all taxable property in said town, or both, for the purposes contemplated in this Act, and other improvements in said town that may be deemed necessary, *provided* that in no case shall such poll-tax exceed two dollars for each individual, and such tax upon property in no case to exceed the State tax,—said tax to be collected annually in whatever manner the commissioners may deem best.

Proviso. Either party may appeal.
 Comrs. shall have the streets kept in good order, may assess taxes, &c.

16. SEC. VII. *Be it further enacted*, That the commissioners of said town of Blackshear, in Pierce county, shall have all the powers of acting Justices of the Peace, so far as conservators of the peace. They shall have full power to have arrested by warrant or otherwise, all offenders or violators of the criminal laws of this State, as well as the by-laws of said town, and to bind over to the Superior Court all offenders and violators of the criminal laws of this State, the same as acting Justices of the Peace. Said town commissioners shall have all the powers of acting Justices of the Peace to subpoena witnesses, and to punish the same

Comrs. shall act as J. P.
 So far as necessary to preserve the peace of said town.

Columbus.

for contempt, in case they refuse or neglect to attend,—the cost, in all cases, to be the same as in the Justice's Court.

17. SEC. VIII. *Be it further enacted*, That all persons, doing business in the town of Quitman, and boarding out of the incorporation of the town of Quitman, be, and they are, hereby entitled, and shall pay all town taxes imposed on other citizens of the town of Quitman, and shall be subject to do and perform all other public duties imposed on the citizens of the town of Quitman.

Charter of town of Quitman amended.

SEC. IX. Repeals all conflicting laws.

Assented to Dec. 19th, 1860.

17. COLUMBUS.

Sec. 18. Subscriptions by city of Columbus to stock of Opelika and Talladega R. R. Co. made valid.

Sec. 19. Bonds issued, or which may hereafter be issued in pursuance of said subscription binding. City to have the power to levy and collect taxes sufficient to pay the bond.

(No. 97.)

*An Act to ratify and make valid the Ordinances and Resolutions of the Mayor and Council of the city of Columbus in reference to any subscription heretofore made, or which may hereafter be made by said Mayor and Council to the stock of the Opelika and Talladega Rail Road Company.**

18. SECTION I. *Be it enacted, &c.*, That the subscription heretofore made by the Mayor and Council of the city of Columbus, and any subscription which may hereafter be made by said Mayor and Council, according to law, to the stock of the Opelika and Talladega Rail Road Company be, and the same are hereby ratified and made legal and binding upon the parties, according to the terms of the contract which has, or may be made between them.

Subscriptions by City of Columbus to the stock of the Opelika & Talladega R. R. Co., made valid.

19. SEC. II. *And be it further enacted*, That the bonds of the Mayor and Council of the city of Columbus heretofore authorised to be issued, and the bonds of said Mayor and Council which may hereafter be authorized to be issued in pursuance of any contract between said Mayor and Council, and said Opelika and Talladega Rail Road Company on account of any subscription by said Mayor and Council to the stock of said Company, or which may hereafter be authorized to be issued by the said Mayor and Council for, and on account of any subscription to said stock be, and the same are hereby declared to be legal and binding upon the said Mayor and Council, according to the terms of the contract between the parties; and the said Mayor and Council shall have full power and authority to levy and collect a tax upon all subjects and items of taxation, now by law authorized to be taxed in said city for any object, for the purpose of paying the principal and interest on said bonds as the same may fall due and payable.

Bonds issued, or which may hereafter be issued, in pursuance of said subscription, binding.

City to have power to levy and collect taxes sufficient to pay the Bonds.

SEC. III. Repeals conflicting laws.

Assented to December 7, 1860.

* See Acts of 1857, pamp. p 73.

S. CUMMING.

[For Act to extend the corporate limits of, see Act No. 98,
 "To amend the several Acts incorporating the city of Dalton," &c.]

9. DALLAS.

[For Act to repeal certain portions of the Act of 1854, incorporating the town of Dallas, see Act No. 101 "To incorporate the town of Montezuma," &c.]

10. DALTON.

- | | |
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| <p>Sec. 20. Charter of the city of Dalton amend-
 ed.
 " 21. Quorum of the City Council of the
 city of Atlanta for the transaction
 of business.
 " 22. Council may pass all ordinances
 necessary to punish persons who
 furnish slaves, or free persons of
 color with spirituous liquors.
 " 23. Council may prevent the sale of
 lager beer without license therefor:
 <i>Proviso.</i></p> | <p>Sec. 24. Council may subscribe to the stock
 of R. R. Companies may issue
 bonds to said subscriptions, and
 levy a tax to redeem the same:
 <i>Proviso.</i>
 " 25. Council may levy a tax, not exceed-
 ing one per cent, to defray the ordin-
 ary expenses of the city.
 " 26. Corporate limits of the town of
 Cumming extended.</p> |
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(No. 98.)

An Act to amend the several Acts incorporating the city of Dalton, and
 amendatory of and in addition to the several Acts incorporating the
 city of Atlanta,† and to extend the corporate limits of the town of
 Cumming,‡ in the county of Forsyth.*

Charter of the
 city of Dal-
 ton amended.

20. SECTION I. *Be it enacted, &c.,* That it shall not be lawful for the corporation of the city of Dalton after the present year, to tax any lands within the limits of said corporation which are used solely for farming purposes, and which are not laid off in city lots.

Quorum of
 the city coun-
 cil of the city
 of Atlanta for
 the transac-
 tion of busi-
 ness.

21. SEC. II. *Be it further enacted,* That the Mayor and six members of the City Council of the city of Atlanta shall constitute a quorum for the transaction of business, and in the absence of the Mayor, seven members of the Council shall make a quorum, and when both the Mayor and President *pro tem.* are absent, any member present may be chosen as Chairman for that meeting.

Council may
 pass all ordi-
 nances neces-
 sary to pun-
 ish persons
 who furnish
 slaves or free
 persons of
 color with
 spirituous
 liquors.
 Not to exceed
 \$100 fine and
 50 days im-
 prisonment.

22. SEC. III. *Be it further enacted,* That the Mayor and Council of said city shall have full power and authority to pass all such by-laws and ordinances as they may deem necessary and proper to provide for the punishment of all persons who may be convicted of selling to or furnishing any slave, or free person of color, with any intoxicating drink of any kind whatever, within said city, not to exceed one hundred dollars fine and fifty days imprisonment;

* Cross Plains incorporated 1839, pam. 83. Name changed to Dalton, 1847, pam. 47. Charter amended 1850, pam. 86. Act of 1847 repealed 1852, pam. 388. (Did this Act change its name again to Cross Plains? Again incorporated under the name and style of "City of Dalton," 1853, pam. 253 '43. Charter of city of Dalton amended 1856, pam. 369 '71.

† Martinsville incorporated 1843, pamphlet 83; name changed to city of Atlanta 1847, pam. 50; charter amended 1850, pam. 96; also 1852, pam. 386 '7; also 1854, pam. 212, 203, 241; also 1856, pam. 295; City Courts established 1856, pam. 245; Act of 1856, amending charter, repealed 1857, pam. 166.

‡ See Act—Cumming incorporated and made the county site 1851, pam. p. 255.. Cumming incorporated 1845, pam. p. 125. Amended 1850, pamp. p. 81.

Cumming.

and also to provide more effectually for the suppression of disorderly houses, and houses of ill fame, and to suppress disorderly conduct and breeches of the peace of all kinds in said city.

23. SEC. IV. *Be it further enacted*, That the said Mayor and Council shall have full power and authority to prohibit the selling of liquor, Lager beer, or other fermented drinks, without the obtaining of a license for that purpose; *Provided*, the owner or keeper of each house or saloon kept for that purpose, shall not be required to pay exceeding the sum of one hundred dollars for a license for one year.

Council may prevent the sale of Lager Beer without license therefor.

Proviso.

24. SEC. V. *Be it further enacted by the authority aforesaid*, That said Mayor and Council shall have full power and authority to make such subscription or subscriptions in behalf of said city, for such stock in any Rail Road or other Company, as may be deemed necessary and proper for promoting the growth and prosperity of said city, or to confirm or ratify any subscription which may have been heretofore made by said Mayor and Council, and also to issue bonds upon the faith and credit of said city, to secure said subscriptions, and to levy such tax upon the real estate and stock in trade in said city as may be necessary for the payment and redemption of the same; *Provided*, said tax shall not exceed one per cent. per annum on the value of said property.

Council may subscribe to the Stock of R. R. Companies.

May issue bonds to secure said subscriptions, & levy a tax to redeem the same.

Proviso.

25. SEC. VI. *Be it further enacted by the authority aforesaid*, That the said Mayor and Council shall have full power and authority to levy a tax of not exceeding one per cent. on all the property, both real and personal, of the inhabitants of said city, which is taxable by the law of this State, in addition to the aforesaid special tax; and the various articles upon which a specific tax is now levied by the laws now in force for the purpose of defraying the ordinary expenses of said city, and improving the streets, and making such other improvements as may be considered necessary to promote the interest and prosperity of said city.

Council may levy a tax, not exceeding one per cent, to defray the ordinary expenses of the city.

26. SEC. VII. *Be it further enacted*, That the incorporation of the town of Cumming, in the county of Forsyth, be extended so as to include within the corporate limits of said town, the residence of Robert N. Blackwood, located on the street leading from the north-west corner of the public square, in said town.

Corporate limits of the town of Cumming extended.

SEC. VIII. Repeals conflicting laws.

Assented to December 20, 1860.

XI. DARIEN.

Section 27. Mayor of the City of Darien shall be elected by the people.

(No. 99.)

An Act to amend the Charter of the city of Darien, Georgia, so far as the election of Mayor is concerned.*

Mayor of the city of Darien shall be elected by the people.

27. *Be it enacted, &c.,* That from and after the passage of this bill the Mayor of the city of Darien, shall be elected by the votes of the people of said city in like manner as the Board of Aldermen, any law, usage, or custom to the contrary notwithstanding.

Assented to December 10th, 1860.

* *Darien.* Act to regulate, 1805, vol. ii. 244; 1808, vol. ii. 497; Flour inspection, 1815, vol. iii. 332; Act of 1808, to regulate the town, amended, 1815, vol. iii. 1008; Incorporated and an intendant and council created, 1816, vol. iii. 1009; Harbor Master and Health officer 1817, vol. iii. 321; Mustering of the Volunteer Guards, 1817, vol. iii. 459; Public buildings permanently located at, 1818, vol. iii. 223; Constituted a city, 1818, vol. iii. 1013; Vendue masters, 1819, vol. iii. 1073; Collection of rents and recovery of personal property in Darien, 1821, vol. iv. 204; Volunteers, 1821, vol. iv. 279; 1823, vol. iv. 281; Election of Aldermen, 1820, vol. iv. 431; Act making Darien a city amended, 1821, vol. iv. 433; Night Guards and Patrols, 1821, vol. iv. 436; Fire Engine Company incorporated, 1824, vol. iv. 457; Election of Aldermen, 1829, vol. iv. 484; 1831, pam. 244; Streets to be kept open in McIntosh, 1834, pam. 262; Jail fees and the ad-mill, 1835, pam. 64. T. R. R. Cobb's Digest.

XII. HILLSBORO.

(For Act to amend the Charter of. See Act No. 109, to incorporate the Town of Valdosta, &c.)

XIII. MONROE.

Section 23. No slaves or free person of color shall live on any lot separate from their owner or hirer, in the town of Monroe; Owners or hirers to be punished by fine and imprisonment.

Section 29. No slave or free person of color shall keep an eating house, buy, sell, barter, &c., in said town; J. P. of the county of Walton to arrest all violators of this Act, and punish them by fine and imprisonment.

(No. 100.)

An Act to prevent free negroes and slaves from keeping eating tables, and living separate and apart from their owners, hirers, or guardians, and to prevent their trafficking and trading in the town of Monroe, in this State, and to prescribe punishment for the same, and for other purposes.

No slave or free person of color shall live on any lot separate from their owner or hirer in the town of Monroe.

Owner or hirer to be punished by fine and imprisonment.

28. SECTION I. *The General Assembly of Georgia do enact as follows,* That from and after the first of March next, if any owner, or any person hiring any slave, or the Guardian or hirer of any free person of color, shall allow their slaves or free person of color for whom they are Guardian, or hirer, to live on any lot or in any house separate and apart from the lot or lots on which said owner, hirer or Guardian, may themselves reside, in the town of Monroe, such person, owner, or hirer or Guardian, on conviction in the Superior Court of said county of Walton, shall be deemed guilty of a misdemeanor, and fined not less than fifty dollars, nor

Monroe—Montezuma.

more than one hundred dollars for the first offence, and for the second offence shall be fined not less than one hundred dollars, nor more than two hundred dollars, and imprisonment in the common jail of the county at the discretion of the Court.

29. SEC. II. *And be it further enacted*, That it shall not be lawful for any negro slave or free person of color within the corporate limits of said town of Monroe, to keep an eating house or public table, or to buy or sell or cause the same to be done, or ship or cause to be shipped in any manner, traffic in chickens, butter, eggs, ducks, turkeys, &c., and for a violation of this or any portion of this section, said slave or slaves, or free person or persons of color may be arrested by warrant issued by any Justice of the Peace of said county, and on conviction before said Justice, who shall have full power to try said negroes or free persons of color; shall it be a free person of color, shall, and may be fined for the first offence, fifty dollars, and for the second offence one hundred dollars, and on failure to pay, may be sold by the Sheriff for the shortest time, to pay said sum, at public outcry on the next Constables or Sheriff's sale day thereafter; the purchaser paying the fine and costs; and if it be a slave, on conviction, shall be imprisoned until the owner or hirer, shall have paid all costs, which may have accrued on the trial; and for the better enforcement of this act, one half of the fine, under this Act, shall be paid to the prosecutor, and the other half or the balance, to go into the county Treasury, for county purposes; *Provided*, That nothing in this Act shall be so construed as to prevent owners of farms from keeping their slaves under Overseers on their farms.

No slave or free person of color shall keep an eating house, buy, sell, barter, &c., in said town.

J. P. of the county of Walton, to arrest all violators of this Act, and punish them by fine and imprisonment.

One half of the fine to go to the prosecutor.

Proviso.

SEC. III. Repeals conflicting laws.

Assented to December 19th, 1860.

(For Act to extend certain sections of the Charter of the town of Sparta, in relation to the retail of spirituous liquors, &c., to Monroe. See Act No. 109, "to incorporate the town of Valdosta" &c.)

XIV. MONTEZUMA.

Section 30. Act of Feb. 8th, 1854, so far as relates to the town of Montezuma, repealed.

" 31. Corporators; Town of Montezuma incorporated.

" 32. Annual election for Commissioners on the 2d Saturday, in December; Election, &c.

" 33. Extent of corporate jurisdiction.

" 34. Commissioners may levy a tax of not more than one-half of the State Tax.

Section 35. Commissioners may appoint Patrols and Overseers of Streets; Also a Marshal.

" 36. Commissioners may tax all shows, itinerant traders, &c.

" 37. Meeting of Commissioners; Quorum.

" 38. Each of said Commissioners shall have the powers of J. P. within the limits of said town.

" 39. They may require bond and security of any Marshal they may appoint.

(No. 101.)

An Act to repeal the 12th, 13th, and 14th Sections of An Act, approved the 8th day of February, 1854, incorporating the town of Dallas, in the county of Paulding, and other purposes, so far as relates to the town of Montezuma, in Macon county, and to incorporate said town of Montezuma.*

30. SECTION I. *Be it enacted, &c.*, That from and after the passage of

* See Acts of 1854, pamp. p. 232.

Montezuma.

Act of Feb.
5th, 1854 as
far as the
same relates
to incorporat-
ing the town of Mon-
tezuma re-
pealed.

this Act, the 12th, 13th and 14th sections of An Act, approved the 5th day of February, in the year 1854, entitled An Act incorporating the town of Dallas, in Paulding county, and other laws be, and the same are hereby repealed, so far as they relate to the incorporation of the town of Montezuma, in Macon county.

Corporators—
town of Mon-
tezuma in-
corporated.

31. SEC. II. *Be it further enacted, by the authority aforesaid,* That Zaddock T. Timmons, Raseo Lipsey, William S. Hamil, John G. Smith and Martin N. Burch, are hereby appointed Commissioners of the town of Montezuma, in the county of Macon, with full power and authority to make all By-laws and regulations necessary for the government of said town.

Annual elec-
tion for Com-
missioners on
the 2nd Sat-
urday in De-
cember.

32. SEC. III. *Be it further enacted by the authority aforesaid,* That said commissioners shall continue in office until the second Saturday in December, in the year 1861, on which day, and on the second Saturday in December, in each and every year thereafter, when all persons entitled to vote for members of the Legislature, shall by ballot elect five Commissioners, who shall continue in office one year; said election shall be held by two Justices of the Peace, or Justice of the Inferior Court, or one of either together with one freeholder; and said Commissioners shall continue in office until their successors are duly elected, and qualified.

Election to be
held by 2 J. P.
or 2 J. of C.
together with
1 freeholder.

33. SEC. IV. *Be it further enacted,* That the jurisdiction of said Commissioners shall extend six hundred yards in every direction from the depot in said town; and said Commissioners are hereby authorized to act as Commissioners of Roads and Streets in said town the distance aforesaid.

Extent of cor-
porate juris-
diction.

34. SEC. V. *Be it further enacted,* That said Commissioners shall have power to collect and levy a tax to the amount of not more than one-half of the State Tax, for the use of said corporation, upon all articles taxed by the laws of this State, and that said tax when collected in the manner that may be prescribed by said Commissioners, shall by them be used for the benefit and use of said town.

Cour's may
levy a tax of
not more than
½ the State
Tax.

35. SEC. VI. *Be it enacted,* That said Commissioners have shall power to appoint patrols and regulate their duty, to appoint overseers of the streets and regulate the manner of working the same, and also, appoint a marshal of said town.

Cour's. may
appoint Pat-
rols and Over-
seers of
Streets, and
also a Marshal.

36. SEC. VII. *Be it further enacted,* That said Commissioners shall have power to tax all shows and persons performing in said town, for the purpose of gain, and all itinerant traders; and they shall have power to force the collection of taxes, fines and penalties in such manner as they see proper.

Cour's. may
tax all shows,
itinerant tra-
ders, &c.

37. SEC. VIII. *Be it further enacted,* That said Commissioners shall hold meetings as often as they may deem necessary; and that a majority of said Commissioners shall constitute a quorum for the transaction of business.

Meetings of
Cour's.
Quorum.

38. SEC. IX. *Be it further enacted,* That any one of said Commissioners on information, given by said Marshal, on complaint made on oath, by any other person, of any offence committed within the corporate limits of said town against the penal laws of this State,

Each of said
Cour's. shall
have the pow-
ers of J. P.,
within the
limits of said
town.

Monticello.

shall have power to issue warrants for the apprehension of such person or persons, and upon the return of said warrant, said Commissioners, or a majority of them, shall have power to hear testimony, and to discharge or require such offender or offenders to give bond and security for his or their personal appearance, at the next Superior Court, to be held in and for said county, to answer said accusation.

39. SEC. X. *Be it further enacted*, That said Commissioners shall have power to require bond and security, of any Marshal they may appoint, and to prescribe and administer an oath to said Marshal, for the faithful performance of his duties.

They may require bond & security of any Marshal they may appoint.

SEC. XI. Repeals conflicting laws.

Assented to December 20th, 1860.

XV. MONTICELLO.

Section 40. Act of Dec. 11th, 1858, in relation to the town of Monticello repealed.
 " 41. Commissioners of the town may appoint a Marshal and Deputy Marshalls; *Proviso*.
 " 42. Commissioners shall have power to punish all violators of their Ordinances by fine and imprisonment; *Proviso*.
 " 43. Commissioners may open Streets.
 " 44. Town of Summerville incorporated.

" 45. Commissioners may pass all necessary rules and regulations; Assess taxes, &c.
 " 46. Annual election on 1st Wednesday; In case of failure to hold the same Commissioners may appoint a time
 " 47. Corporate limits of said town.
 " 48. Commissioners may assess tax of \$50 on each retailer of spirituous liquors.

(No. 102.)

An Act to repeal An Act entitled An Act, to amend the Charter of the town of Monticello, in the county of Jasper, so as to give the election of Marshal of said town to the legal voters of said town, assented to December, 11th 1858. Also, to authorize the Board of Commissioners of said town to elect or appoint a Marshal and Deputy Marshal, for said town, and to define the tenure of such officers, and to authorize said Board to remove said officers for certain causes, and further to authorize said Board to punish persons for a violation of the Ordinances of said town, and for other purposes therein mentioned; also, to incorporate the town Summerville, in the county of Chattooga.*

40. SECTION I. *The General Assembly of Georgia do enact*, That from and after the passage of this Act, the above recited Act, assented to December 11th, 1858, be, and the same is hereby repealed.

Act of Dec. 11th, 1858, in relation to the town of Monticello, repealed.

41. SEC. II. *And be it further enacted*, That the Board of Commissioners of said town of Monticello, shall have full power and authority to elect or appoint a Marshal, and such number of Deputy Marshals, as they may deem necessary, to preserve the good order and peace of said town, said officers shall hold their offices during the pleasure of said Board, and may be removed by said Board, for failure or neglect, to discharge their respective duties, *provided*, said Board shall appoint no person to fill said offices of Marshal and Deputy Marshals; who is, and has not been a resident of said county of Jasper, one year, immediately and continu-

Comrs. of the town may appoint a Marshal and Dep. Marshals.

To hold their offices during the pleasure of the Board.

Proviso.

* See Acts of 1857, pamp. p. 130.

Monticello.

ously before such appointment or election; *And provided further*, said Board shall give ten days notice in writing, publicly advertised, of the time of the election or appointment of such officers, and the appointment or election of any other, than a citizen of the county of Jasper, as provided by this section, shall be null and void.

Comr's. shall have power to punish all violators of their ordinances by fine and imprisonment.

Proviso.

42. SEC. III. *And be it further enacted*, That said Board of Commissioners, in addition to the powers already conferred upon them by the several Acts incorporating said town of Monticello, shall be authorized to punish disorderly white persons, free persons of color, and slaves for violations of the Ordinances of said town, by imprisonment in the Calaboose, of said town, or in the common Jail of said county, at the discretion of said Board, *provided*, such imprisonment of a white person, shall not exceed two days. for any violation of said Ordinances.

Comr's. may open streets.

43. SEC. IV. *Be it further enacted*, That said Board of Commissioners, shall be authorized to open, and lay out new streets, or to open such as have been closed in said town, under the same rules and regulations as are provided by law, for laying out roads and ways.

Town of Summerville, incorporated.

44. SEC. V. *And be it further enacted*, &c., That David P. Bass, George B. T. Maddox, Benjamin Moyers, Samuel Hawkins, Benjamin Branners and Robert T. Rudicel, be, and they are hereby appointed and constituted Commissioners, of the town of Summerville, in the county of Chattooga.

Comr's. of said town shall have power to pass all necessary rules and regulations. To assess taxes. Not exceeding 50 per cent on the State tax. To appoint all necessary officers.

45. SEC. VI. *And be it further enacted by the authority aforesaid*, That the said Commissioners, and their successors in office, shall have full power and authority to pass all laws, rules and regulations, which they may deem necessary and proper, for the health, good order, and internal police of said town, and to assess such taxes as they may deem necessary and proper; and all persons and property in said town, subject to State taxation, not exceeding fifty per cent. on the State tax of the same property; to elect one of their Board Chairman, and appoint such officers as they may deem proper and necessary, for the purpose of carrying out the object of said incorporation, and to prescribe the duties of said under officers, and to discharge them for flagrant dereliction of duty, and to allow them such compensation, for their services, as they may deem fit and proper; and to do all other acts and things, for the good order and government of said town, as are usual in like cases, *provided*, that none of the laws, rules, and regulations of said town, shall be contrary to the laws and Constitution of this State.

Annual election on 1st Wednesdays in Jan.

46. SEC. VII. *And be it further enacted*, That the said Board of Commissioners, shall be elected on the first Wednesday in January, 1862, and annually thereafter, on the same day, (unless the said Board shall see fit to change the day of election, to some other day in the same month, by the voters resident in said town, qualified to vote for members of the Legislature; which elections, may be superintended by any Justice of the Peace, of said county, or any two freeholders of said town, who shall certify the same, and file it in the

Quitman—Rome.

Commissioners office of said town, should said election not take place according to the provisions of this Act, a majority of said Commissioners, may order an election at such time as they may designate, and in all cases, said Commissioners shall hold their offices until their successors are elected and qualified; and in case of the resignation, or death of any one or more of said Commissioners, the remaining Commissioners may appoint others to fill the vacancies.

In case of failure to hold such election, the Com'rs. may appoint a time.

And may also fill vacancies.

47. SEC. VIII. *It is further enacted*, That the corporate limits of said town, and the jurisdiction of said Commissioners, shall be extended one-half mile, due East, North, West, and South from the Court House, of said county.

Corporate limits of said town.

48. SEC. IX. *Be it further enacted*. That the said Commissioners shall have power to tax retailers of spirituous liquors in said town, fifty dollars, for each house so kept, and the said tax shall be levied and collected, as any other incorporation tax, by them assessed.

Com'rs. may assess a tax of \$50 on each retailer of spirituous liquors.

SEC. X. Repeals conflicting laws.

Assented to December, 17th, 1860.

16. QUITMAN.

(For Act to amend the charter of an Act No. 96, "To incorporate the town of Colquitt in the county of Miller," &c.)

17. ROME.

SEC. 49. Stock of the city of Rome in the Georgia and Ala. R. R. pledged to redeem the bonds of the city.

SEC. 51. Council may sell the city stock at any time, at not less than 75 cents on the dollar.

" 50. In case of a deficiency the city council may assess such a tax as may be necessary to supply the same.

" 52. All property in the city bound for the ultimate redemption of the bonds.

(No. 103.)

*An Act to amend an Act entitled an Act to authorize the city council of Rome to subscribe one hundred thousand dollars of the stock in the Georgia, Alabama Railroad Company, upon certain conditions and for other purposes; passed Dec. 2d, 1857. **

49. SECTION I. *Be it enacted*, That the capital stock of the city of Rome in the Georgia, Alabama Railroad, shall be pledged for the redemption of the bonds to be issued, and said stock shall not be used for any other purpose, and all dividends arising from said stock shall be appropriated to the payment of the interest on said bonds.

Stock of the city of Rome in the Georgia and Alabama R. R. pledged to pay the Bonds of the city.

50. SEC. II. *Be it further enacted*, That should the revenue raised under the existing corporate laws of said city, be insufficient to defray the current expenses of the city government, and pay the interest on said bonds as it falls due, the Mayor and Council shall assess and collect by taxation on all real and personal estate in said city, such an additional tax as will fully meet and pay the interest

In case of a deficiency the City Council may assess such a tax as may be necessary to supply the same.

* See Acts of 1857, pamp. p. 190.

Savannah—Sparta—Spring Hill.

falling due, said assessment to be made upon the return last made by the tax payers, and to be made and collected annually or semi-annually as may be necessary.

Council may
sell the city
stock at any
time, at not
less than 75
cts. of the dol-
lar

51. SEC. III. *Be it further enacted*, That said city council may at any time make sale of the city stock, at a price of not less than seventy-five cents in the dollar, and should it be necessary after applying the stock subscribed to the redemption of the bonds, to raise any amount for a balance due, the said Mayor and Council shall order and assess such a tax as may be necessary to fully redeem said bonds and the unpaid interest due thereon.

All property
in the city
bound for the
ultimate re-
demption of
the bonds.

52. SEC. IV. *Be it further enacted*, That all and singular the property now subject to taxation in said city by the laws of this State, shall be liable to be taxed in accordance with the foregoing sections of this act, in such sum from year to year as may be sufficient to fully redeem said bonds by the time they mature, and fully to sustain the credit and good faith of the city, and protect the rights of the bond-holders.

Assented to 20th Dec., 1860.

(For Act to authorize the city council of Rome to elect a Mayor pro-tem, &c., see Act No. 108, "To incorporate the town of Valdosta," &c.)

18. SAVANNAH.

(See Act No. 20, "To authorize Trustees, Guardians, Executors and Administrators, to invest in the bonds of the city of Savannah and Augusta.")

19. SPARTA.

(For Act to extend certain sections of the charter of the town of Monroe, see Act No. 108, "To incorporate the town of Valdosta.")

20. SPRING HILL.

Sec. 53. Charter of the town of Spring Place amended.

Sec. 54. Commissioners authorized to levy a tax to keep up the roads and streets
Proviso.

(No. 104.)

*An Act to amend an Act entitled an Act, to name and incorporate the town of Spring Place, * in the county of Murray, assented to in 1834; and to repeal an act to amend the sixth section of the above recited act, assented to in 1839; and for other purposes hereinafter mentioned.*

53. SECTION 1. *Be it enacted*, That from and after the passage of this Act, so much of the above recited Act as relates to the road hands within the corporation of the town of Spring Place, that requires the said hands to work one mile, be, and the same is hereby

Charter of
town of
Spring Place
amended

* See Acts 1831, pamp. p. 248; charter amended 1833, pamp. p. 86.

Summerville—Talbotton.

repealed, and that said hands within the limits of said corporation, be only required to work one half mile from the Public Square.

54. SEC. II. *An be it further enacted*, That the Commissioners of said corporation, be, and they are hereby authorized and empowered to levy an annual tax on all the property in said town of Spring Place, under the Act incorporating the same for the purpose of keeping up the roads and streets within said corporation; Provided said tax on real estate shall not exceed one fourth of one per cent.

SEC. III. Repeals conflicting laws.

Assented to December 20, 1860.

21. SUMMERVILLE.

(For Act to incorporate, see Act No. 102, "To repeal An Act entitled an Act, to amend the charter of the town of Monticello," &c.)

22. TALBOTTON.

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| <p>Sec. 55. Corporate limits of the town of Talbotton; proviso.</p> <p>" 56. Corporate power vested, annual election qualification of voters; of Mayor and Aldermen.</p> <p>" 57. Any two citizens may act as managers of the election.</p> <p>" 58. Mayor and Aldermen to subscribe on oath before a J. P. or J. I. C. before entering into the discharge of their duties.</p> <p>" 59. Are to elect a Marshal, Clerk and Treasurer.</p> <p>" 60. Vacancies to be filled by an election.</p> <p>" 61. Said Mayor and Aldermen shall have power to pass ordinances, &c.; may hold property, sue and be sued, &c.</p> | <p>Sec. 62. Mayor and each Alderman may act as J. P. within said town.</p> <p>" 63. Owners of property must give in the same on oath, in case of a failure so to do, the value may be assessed.</p> <p>" 64. The Mayor, or in his absence any two Aldermen may try offenders against the ordinances of the town.</p> <p>" 65. Marshal may arrest offenders and take them before the Mayor.</p> <p>" 66. Police or Patrol, and their duties.</p> <p>" 67. Cost's for issuing processes; To be paid by the offender if found guilty.</p> <p>" 68. Officers may justify under the act.</p> <p>" 69. Repealing clause.</p> |
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(No. 105.)

An Act to incorporate the town of Talbotton, and to extend the limits of the same, and to repeal all laws in relation to said town in conflict with this act.*

55. SECTION I. *The General Assembly of the State of Georgia, do enact*, That from and after the passage of this act, the corporate limits of said town of Talbotton shall extend one mile in every direction from the Court House. *Provided always*, That no field or wood-land exceeding five acres, shall be subject to the corporation tax or corporation laws, until the same is laid off into town lots or is built upon.

Corporate limits of the town of Talbotton.

Proviso.

56. SEC. II. That the corporate power of said town, shall be vested in a Mayor and six Aldermen, who shall be elected on the second Saturday in January next, ten days notice having been given by any two freeholders, citizens of said town, and on the same day in every January, thereafter; said Mayor and Aldermen shall hold their offices for one year, or until their successors are qualified.

Corporate powers vested. Annual election.

* Talbotton incorporated and made the county site, see Acts 1823, vol. 4, p. 437; also, 1836, pamp. p. 376; corporate limits extended 1840, pamp. p. 42; Act of 1837 repealed, also, Act 1841, pamp. p. 115.

Qualification
of voters.

Of Mayor and
Aldermen.

All citizens residing in said incorporation for ten days previous to such election, who shall be entitled to vote for Members of the General Assembly, shall be entitled to vote for Mayor and Aldermen, and no person who is not a citizen residing in said incorporation and owner of real estate therein, shall be eligible to the office of Mayor or Alderman.

Any Citizens
may act as
managers of
the election.

57. SEC. III. That any two citizens being freeholders in said town, being first sworn to hold such election properly and fairly, may preside over such election, neither of whom shall be a candidate, and the person receiving the highest number of votes shall be declared elected, and the managers of said election shall give their certificates to such persons, which certificates shall be evidence of their election and their authority to act, and said certificates shall be recorded by the Clerk of the Council in the minutes of said Council.

Mayor and
Aldermen
shall be
sworn to
before
J. P. or J. I.
C., before
entering
on the
discharge
of their
duties.

58. SEC. IV. That the Mayor and Aldermen so elected, shall before they enter upon the discharge of their duty, before a Justice of the Peace or a Justice of the Inferior Court, severally take and subscribe an oath to do and discharge their duties during their continuance in office.

Are to elect
a Marshal,
Clerk, and
Treasurer.

59. SEC. V. That said Mayor and Aldermen shall at their first meeting elect a Marshal, a Clerk and a Treasurer, each of whom unless removed, shall remain in office until their successors are elected and qualified, said Mayor and Aldermen shall have power to remove from office, or to punish by fine not exceeding fifty dollars, any officers elected by them, for any neglect, malpractice or abuse of said office, or for any misdemeanor.

Vacancies to
be filled by
election.

60. SEC. VI. That when a vacancy shall occur by death, resignation, removal or otherwise, of any Mayor or Alderman in said town, such vacancy shall be filled by an election to be held as is hereinbefore directed.

Said Mayor
and Alder-
men shall
have power
to pass ordi-
nances, &c.

61. SEC. VII. That the said Mayor and Aldermen shall have full power and authority to make and pass all ordinances and by-laws, necessary for the government, good order and well-being of said town, and to perform all acts necessary to carry out the provisions of this Act, not incompatible with the constitution and laws of this State. They shall have full power to make all contracts in their corporate capacity, which they may deem necessary for the welfare of said town, and in their corporate capacity may hold property, and may sue and be sued. They shall have power to remove pests and nuisances; to remove or cause to be removed, all buildings, porches, steps, fences or other obstructions in the public streets, lanes, side-walks or public square in said town; to lay out or extend any street or streets in said incorporation, on obtaining the consent of the owner or owners of land over which the same may pass. To regulate and control all taverns and public houses in said town; to regulate and control all tan-yards, blacksmith shops, forges, stoves and chimneys, and to remove or cause to be removed, the same or any of them, in case they become dangerous or injurious to the health of any citizen of said town; to levy and

May hold
property, sue
and be sued,
&c.

May lay out
streets, &c.

Control
taverns, &c.

Talbotton.

collect a poll-tax upon all free white male persons residing within the limits of said town, between the ages of twenty-one and sixty years, and upon all free persons of color in said town, and upon every slave in said town, and also upon all Stallions and Jacks, kept or exhibited in said town; to levy and collect such tax upon all real and personal estate within the corporate limits of said town, (not herein before excepted.) as they may deem necessary for the support of the government of said town; to license persons to sell by retail in quantities less than one quart of spirituous liquors, within the limits of said town, and no person shall sell by retail in quantities less than one quart, within the limits of said town, any spirituous liquors, without first obtaining such license, for which such person or persons shall pay such sum of money as the Mayor and Aldermen of said town, shall by ordinance determine; to levy and collect such tax on any billiard table, pool table or ten-pin alley, as said Mayor and Aldermen may by ordinance determine; to levy and collect such tax from all itinerant show-masters as may exhibit in said town, any circus, theatrical exhibition, or any show of any description as said Mayor and Aldermen may by ordinance determine; to make all needful rules and regulations for, and concerning the Cemetery in said corporate limits, *provided*, none of the citizens of Talbot county shall be prohibited from using the Cemetery ground, for burial purposes.

To levy a poll tax.

To tax real and personal estate.

To regulate the retail of spirituous liquors.

To tax billiard tables, &c.

Show master &c.

To control the cemetery. Proviso.

62. SEC. VIII. Said Mayor and each Alderman of said town, shall be to all intents and purposes, a Justice of the Peace, so far as to enable any one of them to issue warrants for offences committed within the corporate limits of said town, which warrants shall be executed by the Marshal, and to examine any person or persons charged with the commission of any offence against the laws of this State within the said town, and to discharge, commit to the common jail of the county of Talbot, or to admit to bail, agreeably to law, such person or persons, for his, her, or their appearance before the next Superior Court thereafter, for the county of Talbot, and it shall be the duty of the jailor of said county, to receive all such persons so committed, and them safely keep until discharged by due course of law.

Mayor and each Alderman may act as J. P. within said town.

63. SEC. IX. That it shall be the duty of all owners of taxable property within the limits of said town, either by themselves or agent, to make annual returns under oath to the clerk of council in said town, at such time as the Mayor and Aldermen may limit of all their taxable property, polls and professions, and in case any person or persons shall fail or refuse to make such return within the time prescribed and limited, the said Mayor and Aldermen may assess the property of said person or persons, and fix such value thereon, as they may deem correct and just. All taxes and fines levied and imposed by the Mayor and Aldermen, (in case of refusal to pay the same,) shall be collected in the following manner: an execution for the sum due and all costs, shall be issued by the clerk of council, directed to the Marshal against the estate both real and personal of each defaulter, and shall be levied by the Marshal upon such

Owners of property must give the same on oath.

In case of failure so to do, the value of the same may be assessed.

Manner of collecting fines and taxes in case of a refusal to pay the same.

Talbotton.

Executions
issued under
this Act to
bind all the
property of
the defaulter.

estate, and after being advertise thirty days at the Court House door in said town, the said Marshall shall sell at public outcry, enough of the property so levied on to satisfy said execution, and all costs and the time and place of Sheriff's sale for Talbot county, and the dues of the Marshal or his successor in office made in accordance with such sale, shall pass the title to such property to the purchaser thereof, as the deed of such defaulter. All executions issued agreeably to to this act, shall bind all the property of the defendant from the date thereof, and shall have rank and precedence as judgments from the courts of this State now have by law, and the costs thereof shall be the same as are allowed by law in tax collectors executions.

The Mayor,
or, in his ab-
sence, any 2
Aldermen,
may try of-
fenders
against the
ordinances
of the town.

64. SEC. X. That the Mayor, or in his absence any two of the Aldermen of said town, shall have full power and authority to try all offenders against all or any of the by-laws and ordinances of said town, and to punish such offenders for each and every violation thereof within the limits of said town, by fine not to exceed fifty dollars, or by imprisonment in the common jail of said county not to exceed ten days.

Marshal may
arrest offend-
ers and take
them before
the Mayor.

65. SEC. XI. That the Marshall of said town, shall be fully authorized to arrest any and all disorderly persons who violate any of the by-laws and ordinances of said town, and to take the same before the Mayor; or in his absence any two Aldermen of said town, for trial or examination, and said Mayor shall have power to compel the attendance of any witness or witnesses by a fine not to exceed ten dollars.

Police or Pat-
rol and their
duties.

66. SEC. XII. That said Mayor and Aldermen shall have power to establish and regulate a police or patrol over all slaves and free persons of color in said town, and the Marshal in the execution of his duty, shall have full power and authority to call to his assistance, any of the white male citizens of said town for the arrest and apprehension of any offenders against the laws of this State, or the ordinances of said town in said town, and in case any citizen shall refuse to render such aid, he shall be liable to such fine, not exceeding ten dollars, as the Mayor and Alderman may impose.

Costs for is-
suing process-
es, &c.

To be paid by
the offender if
found guilty.

67. SEC. XIII. The costs for issuing, serving and executing all warrants, processess, writs, and subpoenas, authorized by this act shall be the same as any allowed by law for like processes, and shall be paid by the offender or offenders, in case he or they be found guilty of the alleged violation of any of said ordinances.

Officers may
justify under
this Act.

68. SEC. XIV. That any of the officers of said incorporation who may be sued for any act done in his or their official character, may justify under this act.

Repealing
clause.

69. SEC. XV. That all laws and parts of local laws, relating to said town of Talbotton in conflict with the provisions of this act, be, and the same are hereby repealed.

Assented to 20th Dec. 1860.

Tallapoosa

23. TALLAPOOSA.

Section 70. Town of Tallapoosa incorporated.
 " 71. Commissioners—who shall hold their office.
 " 72. Annual election to be held on 1st Saturday in January—Commissioners to elect a chairman and secretary

Section 73. Election of Commissioners; Judges of election.
 " 74. Commissioners may appoint a marshal—pass ordinances—duty of marshal—duty of Jailor.
 " 75. Charter of the Grand Lodge of the Knights of Jericho, of the State of Georgia, amended.

(No. 106.)

An Act to incorporate the Town of Tallapoosa, in the county of Haralson, and to amend an act entitled an act to incorporate the Grand Lodge of the Knights of Jericho, of the State of Georgia, and for other purposes therein mentioned.

70. Section I. *Be it enacted* &c., That from and after the passage of this act, the inhabitants of the town of Tallapoosa, in the county of Haralson, be, and they are hereby declared a body politic and corporate, invested with all the rights, privileges and powers usually conferred upon such bodies, and that the limits of said town shall be one half mile in every direction from the centre thereof, which centre shall be where the roads cross each other in said town.

71. Section II. *And be it further enacted*, That V. A. Brewster, A. M. Robinson, T. S. Garner, M. G. Harper, and Wm. L. Fell are hereby declared commissioners of said town, who shall hold their office until the first Saturday in January, 1862, and until their successors are elected and qualified.

Town of Tallapoosa incorporated.

Commissioners. Who shall hold their office until 1st Saturday in Jan, 1862.

72. Section III. *And be it further enacted*, That on the first Saturday in January, 1862, it shall be the duty of the citizens of said town qualified to vote for members of the General Assembly to elect five commissioners, who shall hold their offices until the 1st Saturday in January next, thereafter, and until their successors shall be elected and qualified and so on, for each succeeding year, said commissioners shall organize by electing a chairman and secretary out of their number, who shall serve in said capacity during the term of office of said commissioners.

Annual election to be held on 1st Saturday in Jan.

Comrs to elect a Chairman and Secretary.

73. Sec. IV. *And be it further enacted*, That said election may be held by any two free-holders of said town, to be appointed by said commissioners, and said free-holders or judges of election having been qualified by oath, shall give certificates of election to the five candidates who shall receive the highest number of votes, and the chairman of the retiring board shall immediately, or as soon thereafter as possible swear them into office, turning over to them at the same time, all the books, papers, funds or other property belonging to the said body corporate.

Election of Comrs. Judges of election.

Chairman of retiring Board shall turn over to new Board all papers, &c., of the corporation.

74. Sec. V. *And be it further enacted*, That said commissioners shall have power to appoint a marshal of said town, and to pass and enforce any ordinances which they may deem proper for the preservation of the order, peace, prosperity, health and comfort of said town, or that the interest of the schools and institutions of learning within its corporate limits, may in their judge-

Comrs may appoint a Marshal.

May pass all ordinances necessary to preserve order, &c.

Thomasville—Trenton.

Marshal may
arrest all law-
breakers, and
carry them
before the
Cour's.
Who may
punish them
by fine and
imprison-
ment.

Proviso.

Duty of the
Jailor.

His fees.

Charter of
Grand Lodge
of the Knights
of Jericho, of
the State of
Georgia,
amended.

ment demand, the same not being repugnant to the constitution and laws of this State and the United States; said marshal shall have power to suppress all disorder, and arrest those engaged in making it, and for this purpose shall be empowered to summons a posse of the citizens when necessary to aid him in so doing, and bring such offenders before the commissioners who shall have power to enforce their judgements by fine or imprisonment within such prison as may be erected within said town, or in the common jail of said county, *provided* said fine shall not exceed the sum of fifty dollars, and such imprisonment shall not exceed ten days, and it shall be the duty of the jailor of said county to receive any person committed to his custody by mittimus from said commissioners or a majority of them, and to keep him in safe custody until discharged by lawful authority, and for which services he shall be allowed the usual fees now allowed by law.

75. Sec. VI. *And be it further enacted*, That the words Faith, Hope and Charity in the preamble to the act entitled an act to incorporate the Grand Lodge of the Knights of Jericho of the State of Georgia, and for other purposes passed in 1853, be stricken out and the words Humanity, Temperance and Charity be inserted in lieu thereof.

Sec. VII. Repeals conflicting laws.

Assented to Dec. 20th, 1860.

24. THOMASVILLE.

(For act to amend the several acts incorporating, see act No. 88, "To incorporate Poplar Spring Methodist Episcopal Church," &c.

25. TRENTON.

Section 76. Corporate limits of the Town of Trenton extended.	Section 83. Commissioners may collect fines, taxes, &c., due the corporation.
" 77. Commissioners—who shall elect a president, treasurer and clerk--and appoint a marshal.	" 84. May dismiss the marshal for neglect of duty.
" 78. Annual election on 1st Saturday in July, vacancies to be filled by an election.	" 85. All monies shall be paid to the Treasurer for the benefit of the town.
" 79. Commissioners shall have power to levy a corporate tax on all persons and real estate.	" 86. Fees of marshal.
" 80. Shall have power to collect fines &c. Proviso. Each Commissioner a J. P., in said Town.	" 87. Treasurer to give bond and security; oath to be administered to officers.
" 81. Shall have power to tax shows &c. To tax itinerant traders.	" 88. Commissioners may punish by fine and imprisonment all violations of their ordinances...Proviso.
" 82. Citizens exempt from road duty, out of the corporate limits.	" 89. In case of necessity, the marshal may call assistance.

(No. 107.)

An Act to incorporate the town of Trenton in the county of Dade, and to appoint Commissioners of the same, and to point out the mode of electing the same, and other officers of said town, and to confer certain powers on the Commissioners thereof.

76. Section I. *The General Assembly of the State of Georgia do*

Trenton.

enact as follows: That the corporate limits of the town of Trenton, in the county of Dade, shall extend over, and embrace an area of one-half a mile from the Court House in every direction.

77. SEC. II. *Be it further enacted,* That Ephraim T. Rogers, Hugh L. W. Allison, Leroy Killian, Benjamin F. Pace, and William E. Brock be, and the same are hereby appointed Commissioners of said town, who shall, at their first meeting, elect from their body a President, Treasurer, and Clerk, and appoint a marshal and all other officers they may think proper to carry this act into full execution; and the said President and Commissioners and their successors in office, are hereby declared to be a body corporate and politic, under the name and title of the Commissioners of the town of Trenton, and by that name be empowered to sue, and be sued, implead, and be impleaded in any of the courts of law or equity in this State; and the said Commissioners, or a majority of them and their successors in office, shall have full power and authority to make all rules and regulations necessary and proper for the government of said town, which are not repugnant to the Constitution and laws of this State, and of the United States.

78. SEC. III. *And be it further enacted,* That the said Commissioners appointed as aforesaid, shall hold their offices until the second Saturday in July, 1861, and until their successors are elected and qualified; said election to be held on the first Saturday in July, 1861, and annually thereafter; and all persons within said corporate limits who are, by law, entitled to vote for members of the General Assembly, and have resided thirty days within said corporate limits, shall be allowed to vote at said election; said election shall be conducted by two freeholders who reside within said corporate limits, and if, from any cause said election should not be held at the time specified, then it shall be lawful to hold it on any other day the Commissioners, or a majority of them shall direct; and in case of a vacancy by death or resignation, or otherwise, said Commissioners shall have power to order an election to fill said vacancy; said election shall be conducted as herein before specified, ten days notice first being given.

79. SEC. IV. *And be it further enacted,* That said Commissioners shall have power to levy a corporate tax of not more than five dollars on every person within the limits of said incorporation who is subject to road duty, which tax shall be in lieu of said duty; and shall have power to levy such tax on real property, not exceeding one fourth of the State tax, as they may think necessary to advance the interests and promote the welfare of the citizens within said corporation.

80. SEC. V. *And be it further enacted,* That said Commissioners shall have power to impose and collect all fines for violation or infraction of the by-laws, rules, and regulations which they may adopt for the peace, good order and dignity of said town, as well as the raising of revenue; *Provided* said Commissioners shall not impose any fine, or fines, on persons for offences, which subject the offender to indictment under the criminal laws of this State; but

Corporate limits of the town of Trenton extended.

Commissioners.

Who shall elect a President, Treasurer, and Clerk. And appoint a Marshal.

Powers and privileges of Comrs.

Annual election on 1st Saturday in July.

In case of failure to be held at such time as the Comrs. may direct.

Vacancies to be filled by an election.

Comrs. shall have power to levy a corporate tax on all persons, and real estate.

Shall have power to collect fines, &c.

Provided.

Trenton.

Each Com'r. a
J. P. in said
town.

each Commissioner, during his term of office, is clothed with the authority of any acting Justice of the Peace, so far as to authorize him, or any one of them, within the corporate limits of said town, to bind over all persons charged with violating the laws of this State, to answer for such imputed offence to the Court having cognizance thereof, and to act as conservators of the peace.

Shall have
power to tax
shows, &c.

To tax itin-
erant traders.

Citizens shall
be exempt
from Road
duty out of
the corporate
limits.

Com'r's. may
collect fines,
taxes, &c.,
due the cor-
poration.

S1. SEC. VI. *And be it further enacted*, That said President and Commissioners shall have power to tax all shows in said town of Trenton, performing there for purposes of gain, and shall have power to tax itinerant traders in said town, and they shall have power to enforce the collection, at any time, of said tax.

S2. SEC. VII. *And be it further enacted*, That all persons within the corporate limits of said town, shall be exempt from all road and patrol duty without said limits.

S3. SEC. VIII. *And be it further enacted*, That the said Commissioners shall have power, by their Clerk, to issue executions to enforce the payment of all taxes and debts due to said corporation in their corporate capacity, bearing test in the name of the President and directed to the Marshal, whose duty it shall be to levy said execution on any property belonging to the defendant that may be found in Dade county.

May dismiss
the Marshal
for neglect of
duty.

S4. SEC. IX. *And be it further enacted*, That said Commissioners shall have power and authority to dismiss from office said Marshal, or other officers holding under their appointment, for failure or neglect to perform his duties, and immediately appoint a successor.

All monies
shall be paid
to the Treas-
urer for the
benefit of the
town.

S5. SEC. X. *And be it further enacted*, That all money that may be collected by said corporation by virtue of this Act, shall be paid into the hands of the Treasurer, to be applied by him as the Commissioners may direct for the benefit of the citizens of said corporation.

Fees of Mar-
shal.

S6. SEC. XI. *And be it further enacted*, That the Marshal shall be allowed the same fees that the Sheriff is now allowed by law for like services.

Treasurer to
give bond and
security.

S7. SEC. XII. *And be it further enacted*, That the Treasurer shall be required to give bond and security in a sum not exceeding five hundred dollars; and that said Commissioners, and all other officers by them appointed, shall, before entering upon the duties of their office, take and subscribe the following oath: "I, A. B., do solemnly swear that I will, to the utmost of my ability, discharge the duties of a——— for the town of Trenton, during my continuance in office, and that I will support and defend the Constitution of this State, and of the United States, so help me God."

Oath to be ad-
ministered to
officers.

Com'r's. may
punish by fine
and imprison-
ment all vio-
lations of
their ordi-
nances.

Proviso.

S8. SEC. XIII. *And be it further enacted*, That said Commissioners shall have power to fine, or imprison, or both, at their discretion, any and all persons who shall be guilty of a violation of any of the by-laws, rules and ordinances of said corporation; *Provided*, said fine shall not exceed the sum of twenty-five dollars, and said imprisonment shall not exceed ten days.

S9. SEC. XIV. *And be it further enacted*, That the Marshal ap-

Valdosta.

pointed as aforesaid, shall have power to call to his aid in the execution of the duties of his office, all free white persons capable of bearing arms within said corporation.

In case of necessity, the Marshal may call assistants.

SEC. XV. Repeals conflicting laws.

Assented to December 5th, 1860.

26. VALDOSTA.

SECTION 90. Town of Valdosta incorporated; annual election for Mayor, Councilmen and Treasurer, on 1st Saturday in January.

" 91. Elections to be held by a J. P., or J. I. C., together with a freeholder; 10 days' previous notice having been given.

" 92. Mayor and Council may elect a Marshal, to serve for one year; and may be removed.

" 93. Each of the officers shall subscribe to an oath. Oath.

" 94. Mayor and Council may collect a tax to the amount of the State tax; also a poll-tax.

" 95. They may pass all necessary ordinances. Proviso. May punish offenders by fine and imprisonment. Proviso.

" 96. They may regulate the streets; may open new streets; shall compensate the owners of property taken for public use.

" 97. They may tax all shows, &c. May regulate the retail of spirituous liquors. License not to exceed \$500 per year.

SECTION 98. They must elect a Clerk from their number; they shall fix the salaries of Clerk, Marshal and Treasurer; also allow the Mayor a salary, whenever the duties of his office require it.

" 99. Mayor a Conservator of the Peace, with the criminal jurisdiction of a J. P.

" 100. They may hold their meetings anywhere within the corporate limits; they may control slaves and free persons of color.

" 101. Any persons retailing spirituous liquors without license shall be fined, not exceeding \$50.

" 102. Marshal to act as Receiver of Tax Returns; and may summons a *posse comitatus*, in case of necessity.

" 103. 3d, 4th, 5th and 6th sections of an Act of 1858, in relation to the town of Sparta, made applicable to the town of Monroe.

" 104. City Council of Rome to elect a Mayor *pro-tem*.

" 105. Preamble. Act of 1856, incorporating the town of Hillsboro, amended.

" 106. Lands used for agricultural purposes not to be taxed for town purposes. Corporate limits so altered as to exclude certain lands.

(No. 108.)

An Act to incorporate the town of Valdosta, in the county of Lowndes, and to provide for the election of Mayor, Councilmen, Clerk, Treasurer, and Marshal for the same, and to regulate the sale and retail of spirituous liquors in the town of Monroe, to authorize the members of the City Council of Rome to elect a Mayor pro-tem, to amend the Act incorporating the town of Hillsboro, in Floyd county, to exempt certain property in the town of Cartersville from taxation for town purposes, to extend the corporate limits thereof, and for other purposes.*

90. SECTION I. *The General Assembly of the State do enact, That the inhabitants now living, or may hereafter reside upon the territory included within one mile in every direction from block No. fifteen, in the town of Valdosta, in the county of Lowndes, be, and they are, hereby constituted and made a body corporate, by the name and style of the Town of Valdosta, and the inhabitants who are entitled to vote for the members of the General Assembly of the State of Georgia shall, at the Court House in said town, on the first Saturday in January next, and on the first Saturday in each year thereafter, and elect by ballot, from the citizens of said*

Town of Valdosta incorporated.

Annual election for Mayor, Councilmen, and Treasurer on the 1st Saturday in Jan.

* See Acts of 1855-56, pamph. p. 381.

Valdosta.

Powers and
privileges
vested in the
Mayor and
Council.

town, a Mayor, four Councilmen, and Treasurer, and said Mayor and Councilmen shall be vested with the municipal government of said town, and, as Mayor and Council of Valdosta, and under the name and style, shall have full power to have and use a common seal or scroll, and to purchase, receive, have, hold, enjoy, possess and retain to them and their successors in office, for the use of said town of Valdosta, or to sell and dispose of the same, any real or personal estate within the jurisdictional limits of said town, and shall be capable under the aforesaid name and style to sue and be sued in any Court of law or equity in this State.

Elections to
be held by a
J. P. or J. I.
C., and a free
holder.

Ten days pre-
vious notice
having been
given.

Officers to
hold their of-
fices for one
year.

Mayor and
Council may
elect a Mar-
shal.

To serve for
one year.

And may be
removed,
whenever, in
their judg-
ment, he fails
to do his duty.

Each officer
shall sub-
scribe to an
oath.

Oath.

Mayor and
Council may
collect a tax
to the amount
of the State
Tax.
Also a poll
tax.

They may
pass all neces-
sary ordinan-
ces, &c.

91. SEC. II. *And be it further enacted*, That the election for said officers shall be held by one Justice of the Peace and one freeholder, or by one Justice of the Inferior Court and one freeholder; and, in the event that there shall be no election at the time herein specified, then said officers shall remain in office until their successors are elected and qualified,—ten days' notice of said election in all cases to be given by a Justice of the Peace, or the said Mayor. And, in the event of the death or resignation of any of said officers, an election may be at any time ordered by complying with the provisions of this Act. All of said officers to hold their office for the term of one year, or until their successors are elected and qualified.

92. SEC. III. *And be it further enacted*. That the said Mayor and Council shall have full power and authority to elect by ballot a Marshal for said town,—such election to be held at such time as they may deem best, and such Marshal to hold his office for one year, unless sooner removed; and said Mayor and Council shall have power to fill any vacancy in the office of Marshal at any time, and shall also have power to remove at any time such Marshal from office, and elect another, whenever, in their judgment, such Marshal shall fail or refuse to perform his duty, in any respect, or shall be guilty of any violation of the laws or ordinances of said town.

93. SEC. IV. *And be it further enacted*, That each of said officers shall take and subscribe the following oath, to-wit: "I (A.B.) do solemnly swear that I will faithfully perform the duties of Mayor, Councilman, Treasurer or Marshal, (as the case may be,) of the town of Valdosta.

94. SEC. V. *And be it further enacted*, That said Mayor and Council shall have power and authority to levy and collect taxes within the corporate limits of said town to the amount of the State tax, and not more, and poll-tax not over two dollars on each male inhabitant of said town that are subject to poll-tax by the laws of this State; and said tax shall be collected in manner hereinafter provided by this Act, and shall by said Mayor and Council be used for the benefit and use of said town.

95. SEC. VI. *And be it further enacted*, That said Mayor and Council shall have full power to make, ordain and enforce all such by-laws, rules, ordinances and regulations as may appear to them necessary and proper for the security, welfare and interest of said

Valdosta.

town, or for preserving the health, peace, order, morals, or good government of said town, or to repeal the same, *provided* they be not inconsistent with the Constitution or laws of this State, and to punish all offenders against such by-laws, rules, ordinances and regulations by fine or imprisonment, or both, *provided*, that no fine shall exceed the sum of one hundred dollars, nor shall any imprisonment for the violation of any one of said rules, regulations, ordinances or by-laws continue for more than ten days for each offence.

96. SEC. VII. *And be it further enacted*, That the Mayor and Council aforesaid shall have full power and authority to pass all by-laws and ordinances respecting the streets of said town, to open, lay out and improve new streets, and to remove or cause to be removed any obstacle or nuisance which may be placed in any of the streets of said town now made or hereafter laid out; and that said Mayor and Council shall make proper compensation to the owner or owners of any property taken for public use, and, upon any disagreement between the owner or owners and said Mayor and Council, as to the proper amount of compensation to be paid therefor, it shall be lawful for the Mayor and Council to appoint one disinterested freeholder of Lowndes county, and for the owner or owners to appoint another such freeholder, which two freeholders so appointed shall appoint a third; or, in the event of refusal of such owner or owners to appoint such freeholder, after five days' notice from said Mayor and Councilmen to do so, then said Mayor and Council shall appoint three disinterested freeholders, and it shall be the duty of such freeholders, or a majority of them, to make and return to said Mayor and Council a just and impartial valuation of the damages done to such property, and their award shall be in writing and signed by a majority of such appraisers, and shall be binding upon the parties; *provided, however*, that, if either party be dissatisfied with such award, he, she or they may enter an appeal from such award within ten days after the same is made, to the Superior Court of said county of Lowndes, when the damages shall be ascertained by the verdict of a special jury, and such verdict shall be final and conclusive.

97. SEC. VIII. *And be it further enacted*, That said Mayor and Council shall have exclusive power to tax all shows or exhibitions in said town, performing or exhibiting within the corporate limits of the same, and they shall also have the like power to issue license for the retail of spirituous or intoxicating liquors within the corporate limits of said town, and to charge therefor a sum not exceeding five hundred dollars a year, and no license shall be granted unless the applicant for said license shall also comply with the law now in force as to bond and oath, and the said Mayor and Council shall also have power to tax itinerant traders in said town; they shall also have power to enforce the collection of taxes, fines and penalties, in such manner as they see proper.

98. SEC. IX. *And be it further enacted*, That said Mayor and Council shall elect one of their number Clerk of the Council, and

Proviso.

May punish offenders by fine and imprisonment. Proviso.

They may regulate the streets.

May open new streets.

Shall compensate owners of property taken for public use.

In case of disagreement as to value of property, three freeholders are to decide the value of the same.

Their award to be binding. Proviso.

To each is reserved the right of appeal.

They may tax shows, &c., exhibiting in said town.

May regulate the retail of spirituous liquors. License not to exceed \$500 a year.

They must elect a Clerk from their own number.

Valdosta.

They shall fix the salaries of Clerk, Marshal and Treasurer. Also allow the Mayor a salary whenever the duties of his office require it.

shall fix the salaries of said Clerk, Marshal and Treasurer, and shall require bond and security of said officers for such amounts as they may think proper and right; and they shall also allow said Mayor a salary, whenever in their judgment the duties of his office require it,—the said Mayor having no voice or vote in regard to the amount of his salary.

Mayor a conservator of the Peace, with the criminal jurisdiction of a J. P.

99. SEC. X. *And be it further enacted*, That said Mayor shall be, during his term of office, a Conservator of the Peace, and have the criminal jurisdiction of a Justice of the Peace.

They may hold their meetings anywhere within the corporate limits.

100. SEC. XI. *And be it further enacted*, That said Mayor and Council shall hold their meetings at such time and place as they may see proper, *provided* said place of meeting be within the limits of said corporation, and that on all occasions a majority of them may act and exercise the rights and privileges herein given to the whole; they shall pass all proper and necessary laws and ordinances for the control of slaves and free persons of color in said town, and suppress and abate all nuisances arising from hogs, dogs, horses, or other stock straying at large in said town, or from other causes; and they shall also have power to tax all ten-pin or ball alleys and billiard-tables, *provided* such tax does not exceed the sum of fifty dollars per year.

They may control slaves and free persons of color. Abate nuisances. Tax ten pin alleys, &c.

Provide.

Any person retelling spirituous liquors without license shall be fined.

101. SEC. XII. *And be it further enacted*, That, if any person shall sell by retail in quantities less than one quart of any kind of spirituous or intoxicating liquors whatever, within the limits of said town, without a license first had and obtained, as heretofore pointed out by this Act; such person or persons so offending shall each be fined in a sum not exceeding fifty dollars for each and every such offence, and shall also pay all costs of trial, on conviction before said Mayor and Council, or a majority of them.

Not exceeding \$50.

Marshal to act as Receiver of Tax Returns. And may summon a posse comitatus, in case of necessity.

102. SEC. XIII. *And be it further enacted*, That said Marshal shall act as Receiver of Tax Returns and Collector of Taxes within and for said town under the same laws and penalties as the county Receiver and Collector are subject to; and said Marshal shall have power, in the discharge of his duties, to summon his posse in the same manner and under the same laws as the Sheriff now does.

3rd, 4th, 5th, and 6th Sections of an Act of 1854 in relation to Sparta made applicable to the town of Monroe.

103. SECTION XIV. *And be it further enacted*, That the provisions of the third, fourth, fifth and sixth sections of an Act authorizing the arrest, by the Marshal of the village of Sparta, without warrant, and confinement in the common jail of the county of Hancock, of all persons violating the laws passed by the commissioners of said village against drunkenness and other gross and immoral conduct in said village, and for other purposes—assented to December 11th, 1858—so far as the said sections relate in any way to the retail of spirituous liquors, be and the same are hereby re-enacted and made applicable to the territory embraced within the corporate limits of the town of Monroe, in the county of Walton, except that the limitation of distance therein shall be the corporate limits of said town, as defined in the Act of 18th of February, 1854, and also the Act of 10th January, 1854, relating thereto, instead of three miles, and except further that the said sections

Waresboro'

shall not apply to the sale of spirituous liquors in quantities of one barrel or more.

104. SEC. XV. *Be it further enacted*, That the members of the City Council of Rome, Floyd county, be and they are hereby authorized to elect from their number a Mayor *pro tempore*, who shall perform the duties of the Mayor whenever, from any cause, it shall be out of the power of the Mayor to act. City Council of Rome authorized to elect a Mayor pro temp.

105. SEC. XVI. *And whereas*, errors occurred in the Act for incorporating the town of Hillsboro, in Floyd county, passed 25th February, 1856, to remedy which, *It is enacted*, That the said Act be so changed as to read "three commissioners, a majority of whom shall have power to act," instead of the present reading, and that it be changed further, as follows: "who shall be elected on the first Saturday in February, in lieu of the first day of February, any law to the contrary notwithstanding." Preamble. Act of 1856 incorporating the town of Hillsboro amended.

106. SEC. XVII. *And be it further enacted*, That all lands situate in the town of Cartersville, in Cass county, which are used only for agricultural purposes, be and they are hereby exempted from any taxes for town purposes. *And be it further enacted*, That the corporate limits of said town of Cartersville be, and the same are, hereby so altered and changed as to exclude from the limits of said town all that part of lot of land Number five hundred and twenty-eight, (No. 528,) in the fourth district and third section of Cass county, owned and occupied by Malcolm Johnston; and also the lot on which Josiah R. Panott now resides, in said town, said lot containing one acre and a half, more or less. Lands used for agricultural purposes in the town of Cartersville not to be taxed for town purposes. Corporate limits of the same so altered as to exclude certain lands.

SEC. XVIII. Repeals conflicting laws.

Assented to December 7th, 1860.

27. WARESBORO.

Sec. 107. Town Council of Waresboro may open streets upon giving ten days notice to parties interested, &c. Sec. 108. Citizens of Waresboro must work the roads and streets in the same, to the distance of one half mile from the Court House.

(No. 109.)

An Act to authorize the town Commissioners of Waresboro to open streets, and other purposes therein mentioned.*

WHEREAS, The Act incorporating the town of Waresboro, made no provision for opening of streets over private property, and it being necessary for the convenience and comfort of the citizens of said town of Waresboro, that said Council be authorized to open streets. Preamble.

107. SECTION I. *Be it enacted*, &c., That when the Town Council of Waresboro shall be desirous to open any street, that it shall be lawful for said Council so to do, upon first giving the parties at interest ten days' notice, to come before said Town Council at a regular meeting, to choose one man, and then said Council shall choose a man, and the two men so chosen shall choose a third, when said Committee so chosen shall have full power and authority to be assessed by a Committee. Town Council of Waresboro may open any street. Upon giving ten days notice to parties interested. The amount of damages to be assessed by a Committee.

*See Acts of 1858, pamp. p. 145, 146, 147; amended in 1859, pamp. p. 481.

Washington.

Who shall give a certificate of the amount of the same.

If the Com'r's shall pay or tender in payment the amount so assessed, they shall have the right of opening the street. Proviso.

Citizens of Waresboro must work the roads and streets in the same. To the distance of $\frac{1}{4}$ a mile from the Court House.

ty to enter upon the lands of any individuals where said street is to run, and assess the damage the opening said street has done to the party over whose land said street runs, and it shall be the duty of the Committee so assessing the damage, shall give the damaged party a certificate of the amount of damage so assessed, and also the Commissioners notice of the amount of damage so assessed; then if said Commissioners shall pay, or tender in payment the amount so assessed within thirty days, said Council shall have full power and authority to open any streets in any part of said town, a majority of said Council shall deem it right and proper; *Providing*, that the Committee so chosen shall first take and subscribe an oath before the Clerk of the Superior Court well and truly to perform his duty clear of favor or partiality, which oath shall become of record in said Clerk's office.

10S. SEC. II. *Be it further enacted*, That the citizens living within the corporate limits of the town of Waresboro shall work, or cause to be worked, all the roads and streets in the town of Waresboro, for the distance of a half a mile in all directions, from the Court House; then the citizens living within said incorporate limits, shall be exempt from road duty, and the working of said roads and streets shall be under the superintendance of the Town Council of Waresboro.

SEC. III. Repeals conflicting laws.

Assented to December 17, 1860.

2S. WASHINGTON.

Sec. 100. Charter of the town of Washington amended.

(No. 110)

An Act to amend the 1st section of an Act passed 1859 amending the Charter of the town of Washington.*

Charter of the town of Washington amended.

SEC. I. *Be it enacted by the General Assembly of the State of Georgia*, That so much of said 1st section as contains in the concluding words thereof the words "and laws of the State" be, and the same is hereby repealed, and after the word "repugnant," the following words be inserted: "to the constitution of this State and of the United States."

SEC. II. Repeals conflicting laws.

Assented to December 20, 1860.

* *Washington*. Commissioners appointed to lay out and sell lots, 1780, vol i, 320; New commissioners appointed to carry act of 1780 into effect, 1783, vol i, 133; the common to be disposed of by the commissioners of the Academy, 1793, vol i, 141; incorporated, 1809, vol. ii, 378; Streets and obstructions, 1813, vol. iii, 938; Act prescribing more fully the duties and powers the corporation, 1821, vol. iv, 433; amended, 1831, pamp. 259. Also, see Acts of 1853 and 1854, pamp. p. 273; and Acts 1855 and 1856, pamp. v. 205, 214, 317, 330, 512, 532, 543. Also, to amend charter of, see Acts of 1859, pamp. p. 217, and 208.

TITLE IV.

CORPORATIONS.

ART. I. *Cemeteries.*“ II. *Fire Companies.*“ III. *Insurance Companies.*“ IV. *Manufacturing Companies.*“ V. *Mining Companies.*“ VI. *Savings, Building and Mutual Loan Associations.*

ART. I. CEMETERIES.

OCONEE HILL CEMETERY, OF ATHENS.

SECTION 1. Corporators—Oconee Hill Cemetery incorporated. SECTION 2. Titles to certain lands confirmed. “ 3. Power to fill vacancies.

(No. 111.)

An Act to incorporate the Trustees of the Oconee Hill Cemetery, and to confirm the title to lots therein.

1. SECTION I. *Be it enacted, &c.,* That Thomas R. R. Cobb, Frederick W. Lucas, Henry Hull, Jr., Albin P. Dearing, and Peyton E. Moore, and their successors, be, and they are hereby incorporated, as “The Trustees of the Oconee Hill Cemetery,” near Athens, and as such shall have power to hold real and personal estate, and convey the same, and do all other acts necessary to carry out the purposes of the corporation.

2. SEC. II. *Be it further enacted,* That the title to the land transferred to said Trustees by the corporate authorities of Athens, be confirmed in said Trustees—and in all purchases of lots from them.

3. SEC. III. *Be it further enacted,* That said Trustees shall have power to fill vacancies in their own Board, from death, resignation, or otherwise.

Assented to December 7th, 1860.

ART. II. FIRE COMPANIES.

SECTION 4. Corporators—Pioneer Hook and Ladder Company. No. 1, incorporated. SECTION 6. Corporators—Atlanta Hook and Ladder Company, No. 1, incorporated. “ 5. Members to be exempt from Road Patrol, and Jury duties. “ 7. Powers and privileges of said Company. Members exempt from Jury duty. Proviso.

(No. 112.)

*An Act to incorporate the Pioneer Hook and Ladder Company, No. 1, in the town of Athens, and to incorporate the Atlanta Hook and Ladder Company, No. 1, in the city of Atlanta, and for other purposes.*4. SECTION I. *Be it enacted, &c.,* That Henry Buesse, Robert

Fire Companies.

Corporators. T. Hoyt, Richard Hughes, and John Bird, be, and they are hereby incorporated, and made a body corporate and politic, under the name of the Pioneer Hook and Ladder Company, No. 1, or any other name that a majority of them may select, and they are hereby made capable in law to sue or be sued, plead and be impleaded, and to hold such property, real and personal, by gift or purchase, as may be found necessary for the convenient and beneficial administration of the affairs of said Company, with authority to establish by-laws for the government thereof. *Provided*, said by-laws shall not infringe the Constitution and laws of this State.

Pioneer Hook
and Ladder
Company No.
1, incor-
porated.

Powers and
privileges.

Proviso.

Members to
be exempt
from Road,
Patrol and
Jury duty.

5. SEC. II. *Be it further enacted*, That a certificate signed by the commanding officer of said Company, specifying the names of the members of said Company, which shall be served upon the Inferior Court of Clark county, and all other civil authorities exercising control over the road, Patrol and Jury duties in and for said county, shall be deemed and held sufficient evidence to exempt all persons who are duly enrolled as members of said Company, so long as they faithfully perform all duties required of them by the Constitution and By-Laws of said Company, from performing any or either of said duties mentioned in this section.

Corporators.

Atlanta Hook
and Ladder
Co. No. 1, in-
corporated.

Powers and
privileges of
said Co.

6. SEC. III. *Be it further enacted*, That Frank M. Johnson, George Hathaway, Noah R. Fowler, William D. Bard, Moses Colz, Neal P. Kellen, John C. Peck, J. M. C. Hulsey, and their associates and successors, be, and are hereby incorporated, and made a body politic, by the name and style of Atlanta Hook and Ladder Company, No. 1, and shall have power, under their corporate name, to sue and be sued, to plead and be impleaded, in any Court of Law or Equity in this State, and to have and to exercise all the powers herein granted, not repugnant to the Constitution of the State of Georgia.

Members ex-
empt from
Jury duty.

Proviso.

7. SEC. IV. *Be it further enacted*, That said Company shall have full power to establish all such rules, by-laws, and ordinances, as to them may seem necessary and expedient, and that said Company shall have power, and be capable, of receiving and holding by purchase, gift, grant, or otherwise, all such lands, tenements, or other real and personal estate or property, as may be necessary for the more effectual discharge of the duties of said Company, and that the members of said Company are hereby declared to be exempt from Jury duty, in all cases whatsoever. *Provided*, The number of exemptions shall not at any time exceed sixty men.

SEC. V. Repeals conflicting laws.

Assented to December 19th, 1860.

Athens Insurance Company.—Georgia Insurance Company.

ART. III. INSURANCE COMPANIES.

I. ATHENS INSURANCE COMPANY.

Sec. 8. Corporators under name of Athens Insurance Co.; Powers and privileges. " 9. All rights, powers, &c., of Southern Mutual Insurance Company to extend to Athens Insurance Company.

(No. 113.)

An Act to incorporate the Athens Insurance Company.

S. SECTION I. *Be it further enacted, &c.,* That Peter W. Hutcherson, Lewis J. Lampkin, David C. Barrow, William M. Martin, H. R. J. Long, John S. Linton, John B. Cobb, W. W. Lumpkin, Rufus Moss, Isaac S. Vincent, F. W. Lucas, A. R. Childs, Thomas Crawford, Jas. A. Sledge, A. F. Pope, Wm. L. Mitchell, Wm. H. Dorsey, Nathan Holdbrook, Stevin, Thomas, A. P. Dearing, Robert Thomas, R. L. Bloomfield, A. M. Scudder, James Camack, M. M. Sheats, Thomas W. Sheats, Wm. Y. Elder, George A. Carlton, Wm. N. White, R. M. Wright, James A. Price, A. Grant, James A. Carlton, F. T. Grant, Ross Crane, John Hampton, F. M. Lampkin, C. W. & H. R. J. Long, and such other persons as may be associated with them be, and they are hereby made a body corporate, under the name of the Athens Insurance Company, with the usual powers incident to corporations, capable of suing and being sued, pleading, and being impleaded answering and being answered unto, in any court of law equity in this State; to make and use a common seal, and the same to alter at pleasure, to pass all by-laws, rules and regulations, necessary for the government of said corporation, and conducting its business.

Corporators.

Under name of Athens Insurance Co.

Powers and privileges.

9. SEC. II. *And be it further enacted by the authority aforesaid,* That all the rights, privileges and immunities of the Southern Mutual Insurance Company be, and the same are hereby conferred upon the Athens Insurance Company, hereby incorporated.

All rights, powers, &c., of So. Mutual Ins. Co., to extend to Athens Ins. Co.

SEC. III. Repeals conflicting laws.

Assented to December 19th, 1860.

II. GEORGIA INSURANCE COMPANIES.

Sec. 10. Corporators; under name of Georgia Insurance Company.

" 11. Seven Directors to be elected to serve for one year.

" 12. Capital stock \$250,000; which may be increased to \$500,000.

" 13. May go into operation when each stock-holder has paid in cash five per cent of his stock.

" 14. Directors may inquire into the solvency of the stock notes at any time; and compel makers to strengthen the same.

" 15. Said company may insure on lives &c.; Also on dwelling houses, store houses, furniture, merchandize, &c.; Also Marine Insurance on Vessels, freight, &c.

Sec. 16. May secure itself by re-insurance, mortgage, &c.; May receive money on deposit, sell exchange, &c.; *Proviso.*" 17. Directors may call in the stock notes, when necessary, on giving 60 days notice; *Proviso.*

" 18. No stock-holder shall sell to any other than a co-stock-holder, without the consent of the Company.

" 19. Company responsible to its creditors to the amount of its property; Stockholders liable to amount of stock notes; Individual liability clause.

" 20. Losses due 60 days after proof; In case of dispute, 10 days after final decision.

" 21. Charter to continue in force 30 years, after Jan. 1, 1861.

(No. 114.)

*An Act to incorporate the Georgia Insurance Company.*10. SECTION I. *Be it enacted, &c.,* That Robert A. Ware & Son,

Georgia Insurance Company.

Corporators.

Under name
of Georgia In-
surance Co.Seven direc-
tors to be
elected—to
serve for one
year.Who may
elect a Presi-
dent.Secretary or
Actuary.Capital Stock
\$ 250,000.Which may
be increased
to \$500,000.May go into
operation
when each
stockholder
has paid in
Cash five per
cent of his
stock.
And given his
note, well
secured, for
the balance.Directors
may inquire
into the sol-
vency of the
stock notes at
any time.
And compel
the maker to
strengthen
the same.
Under penal-
ty of forfeit-
ure.

H. S. Estes, L. Spencer, P. Spencer, J. P. Illges, John N. Burch, A. Illges, J. M. Estes, M. L. Patterson, F. J. Abbott, Wm. F. Hol-
derness, J. F. Bozeman, C. C. Eddy, G. L. McGough & Company,
Redd, Pruer & Company, Bradford & Snow, Smith & Daniel, In-
atis G. Strupper, L. T. Downing, Redd, Johnson & Company,
George H. Bryan, Phillip Gettinger, Sr., John McGough, N. N.
Curtis, Samis & Rooney, L. L. Cowdery, Rosett & Lawhorn, John
Ligon, Robert B. Murdock, J. Ennis & Company, H. M. Cleckley,
N. A. Patterson, and James Rankin, citizens of the city of Colum-
bus, their associates and successors, are hereby created a body cor-
porate, under the name and style of "The Georgia Insurance
Company," by which name, they may sue or be sued, have and
use a common seal, elect its own officers, and make such by-laws
as may be deemed necessary to carry into effect the objects of this
corporation.

11. SEC. II. The said corporation shall be governed and man-
aged by seven Directors, each of whom, shall be a stockholder to
the amount of twenty shares, who shall be elected at such time
and place as the Corporators and their successors may desig-
nate, and hold their office for one year, and until successors
be elected. The Directors aforesaid, shall, out of their body elect
a person to be President, who shall serve for twelve months, and
until a successor be elected; and fill any vacancy by death or
resignation in the office of President, and with the advice and con-
sent of the President, elect a Secretary, Actuary or any other offi-
cer or agent, whose services may be needed in carrying out the le-
gitimate objects of this corporation; a vacancy in the Board of Di-
rectors can only be filled by the stockholders at a meeting held af-
ter notice of the time and place of meeting.

12. SEC. III. The capitol stock of said corporation shall be two
hundred and fifty thousand dollars, divided into shares of one hun-
dred dollars, and the Corporators and their successors have power
in their discretion to increase the capitol stock to five hundred
thousand dollars; and no person shall subscribe for more than two
hundred shares of said stock.

13. SEC. IV. The said corporation may use and exercise the
privileges and franchises herein granted, when each Corporator or
stockholder has paid in cash to the proper officer five per centum
on the amount of his stock, and has made and delivered, also, to
the proper officer, a note secured to the entire satisfaction of said
corporators or associates, for a sum corresponding in amount to
his stock, less the sum paid in cash; these notes, and cash paid in,
constitute the capitol of said corporation.

14. SEC. V. The Directors shall have power to enquire into the
solvency of said stock notes at any time, and if the least doubt is
felt as to their solvency, it shall be their duty forthwith, to give no-
tice to the maker of such doubtful note, to strengthen the same in
ten days, and if not done in that time to the satisfaction of the
Directors the membership and interest of said defaulting party in
the capitol, and accumulated premiums shall cease and determine

from the day of default, and said defaulting member, shall notwithstanding be liable to suit on his stock note, and bound to pay an amount equal to his pro-rata share of the losses of said corporation prior to said default.

15. SEC. VI. The said corporation is authorized to make insurance on lives, and all and every insurance appertaining to the duration of life; to make insurance on dwelling-houses, store-houses and other buildings, household furniture, merchandise, and all other property against loss or damage by fire; to make marine insurance upon vessels, freight, goods, wares and merchandise, specie, bullion, commission profits, bank notes, bill of exchange and other evidences of debt, bottomry, and respondentia, and all and every insurance appertaining to, or connected with marine or inland transportation or navigation risk.

Said Co. may make insurances on lives &c. Also on dwelling houses, store houses, furniture, merchandise, &c. Also Marine Insurance on vessels, freights, &c.

16. SEC. VII. Said corporation may cause itself to be insured against risk it has taken, own personal and real property, take mortgage on any description of property, to secure debt due to said corporation, receive money on deposit, purchase and sell exchange, loan and borrow money, and give securities therefor, purchase and discount notes, and bills of exchange, and do all other acts it may deem advisable for the safe-keeping, and secure investment of its funds; *Provided*, That nothing herein contained, shall authorize said corporation to make or issue any note or bill to be circulated as money.

May secure itself by re-insurance, mortgage, &c. May receive money on deposit, purchase and sell exchange, loan and borrow money, &c.

17. SEC. VIII. The Directors shall have power to call in any portion of said stock notes, *Provided* it is needed to pay off losses sustained by said corporation. and will also give sixty days notice of said call, and also, have power in their discretion to call in installments of said notes for other purposes, provided they give sixty days notice thereof, and do not call in more than ten per centum of said notes at any one time, and any stockholder failing to respond to the call, in either instance, in the time named, shall be liable to be sued on said note, for the pro-rata amount called in, and said Directors in their discretion, may expel said defaulter, and forfeit to said corporation all the interests of said defaulter in the capitol paid in, and accumulated premiums and dispose of said interest so forfeited, in such manner as said Directors may think most conducive to the objects and interest of said corporation.

Proviso. It shall not issue notes or bills for circulation.

Directors may call in the stock notes when necessary, on giving 60 days notice.

Proviso.

In case of failure to respond, the Company may sue on the notes.

And forfeit to the Co. all the interest of the said defaulter.

18. SEC. IX. No stockholder shall have power to sell his stock to any person but a stockholder without the consent of his co-stockholders, but when he has made sale thereof according to foregoing restriction and has given sixty days notice thereof in some newspaper published in Columbus, Georgia, of the name of the person to whom the sale was made, and the number of shares so sold, said stockholder, shall be released from any and all liability imposed by this charter, happening or occurring after said sale, and the person purchasing is substituted in his stead to all intents and purposes.

No stockholder shall sell to any other than a co-stockholder, without the consent of the Co. The sale when made is to be advertised 60 days.

19. SEC. X. Said corporation shall be responsible to its creditors to the extent of its property, and the stockholders shall be liable.

Co. responsible to its creditors to amt't. of its property.

Ocmulgee Mills.

Stockholders
liable to amn't
of stock notes.
Individual
liability
clause.

ble to its creditors to the extent of their respective stock notes not paid up, and the stockholders shall be individually liable for the debts of the corporation in proportion to the number of shares of stock owned by each.

Losses due 60
days after
proof.

In case of dis-
pute 10 days
after final de-
cision.

20. SEC. XI. All claims against said corporation for losses in cases not disputed, shall be due and payable sixty days after proof of the loss has been furnished, and in disputed cases, in ten days after final decision of the proper tribunal, and in each case named the sum ascertained to be due, shall bear interest from the time made due and payable.

Charter to
continue in
force 30 yrs.
after January
1, 1861.

21. SEC. XII. This charter, and the privileges and franchises herein granted, shall continue in force for thirty years from the first day of January, eighteen hundred and sixty-one.

Assented to December 20th, 1860.

ART. IV. MANUFACTURING COMPANIES.

I. OCMULGEE MILLS.

Sec. 22. 6th Section of Act of Feb. 27th 1856 repealed, | Sec. 23. Capital stock of Ocmulgee Mills may be increased to \$500,000.

(No. 115.)

*An Act to amend An Act approved 27th day of February, 1856, * to incorporate Ocmulgee Mills, in Butts county, and to increase the capital stock of the same.*

6th Sec. of
Act of 27th
Feb. 1856, re-
pealed.

Capital stock
of the Ocmul-
gee Mills may
be increased
to \$500,000.

22. SEC. I. *Be it enacted, &c.,* That the sixth section of the above recited Act, be, and the same is hereby repealed.

23. SEC. II. *And be it further enacted,* That the Capital stock of said Ocmulgee Mills may, by the consent of the present and future stockholders, or a majority of them, be increased to the sum of five hundred thousand dollars.

Assented to December 18th, 1860.

* See Acts of 1855 and 1856, pamp. p. 434.

Courticay Hydraulic Hose Mining Company.

ART. V.—MINING COMPANIES.

1. *Courticay Hydraulic Hose Mining Company.*
2. *Georgia Whitepath Gold and Copper Mining Company.*
3. *Loud Hydraulic Hose Mining Company.*
4. *Mountain Town Hydraulic Hose Mining Company.*
5. *Macoochee Hydraulic Mining Company.*
6. *Stephenson Gold Mining Company.*
7. *Wood Hydraulic Hose Mining Company.*

Sec. 24. Corporators, Courticay Hydraulic Hose Mining Company incorporated.
 “ 25. Said Company may purchase real and personal estate.
 “ 26. Capital Stock \$1,000,000; Stockholders liable *pro-rata*.
 “ 27. Said Company may direct the waters of Courticay River and its branches; Proviso.
 “ 28. In case any person shall refuse the right of way, three arbitrators shall be chosen.
 “ 29. Said Company may turn water from side ditches by lateral ditches.
 “ 30. May divert any running stream of water from its natural channel; Proviso.

Sec. 31. Said Company shall keep an office at Ellijay, which shall be its location.
 “ 32. The entering of an appeal shall not stop the work of the Company,
 “ 33. This lien shall have preference.
 “ 34. Any person who shall willfully destroy the works of the Company shall be guilty of a misdemeanor.
 “ 35. Arbitrators shall be disinterested parties, and residents of the county where the land lies.
 “ 36. The Legislature shall have the power to alter or repeal this charter.
 “ 37. The conditions in the above sections to apply to all like Companies which have been or may hereafter be incorporated.

1. CORTICAY HYDRAULIC HOSE MINING COMPANY.

(No. 116.)

An Act to incorporate the Courticay Hydraulic Hose Mining Company.

24. SECTION I. *Be it enacted* &c., That Barnet Wilson, Newton V. Fain, James J. Field, W. B. Dorn, and such other persons as they may associate with them, and their successors and assigns, shall be, and they are hereby declared, as soon as they shall organize under this Act, a body corporate and politic, under the name and style of the Courticay Hydraulic Hose Mining Company, for the purpose of directing and turning the water of the Courticay river and its natural branches and creeks from their natural channel, by dam or dams, ditch or aqueducts of any kind, to work for gold or any other valuable minerals, according to the Hydraulic Hose Mining system, in the county of Gilmer, State of Georgia, on any lands said Company may now own or may hereafter own, or that they may become possessed of, either by purchase or lease, and by that name may sue or be sued, plead or be impleaded, answer or be answered unto in any court of law or equity in this State, having competent jurisdiction, and shall enjoy perpetual succession of officers and members, may have and use a common seal, and alter and change the same at pleasure, may make, ordain and establish such by-laws, rules and regulations, as they may deem expedient and necessary to carry into effect the objects of the Company; *provided* such by-laws, rules and regulations are not in conflict with the constitution and laws of the State, nor with the constitution and laws of the United States.

Corporators.

Under name
of Courticay
Hydraulic
Hose Mining
Co.As such may
sue and be
sued, plead,
&c.Use a com-
mon seal.Make by-laws
&c.

Proviso.

Courticay Hydraulic Hose Mining Company.

25. SEC. II. *And be it further enacted*, That the aforesaid Company, hereby created, shall by its corporate name be capable in law of purchasing, leasing, owning, selling and conveying any real or personal estate which may be necessary to enable said corporation efficiently to carry on the operations mentioned in the first section of this Act.

26. SEC. III. *And be it further enacted*, That the capital stock of said Company may be one million of dollars, which capital stock of said Company may be divided into such number of shares as may be determined upon by a vote or votes of three-fourths of the stockholders, at a regular meeting of said stockholders, to be ascertained by the rules and by-laws of said Company, all parties at interest first having notice of the time and place of such meeting; and the stockholders in said Company shall be liable pro rata for the debts of said Company, to the amount of the stock by them respectively held, but for no great amounts.

27. SEC. IV. *And be it further enacted*, That the said Company shall have power and authority to construct by, through, or over and vacant lands, unrepresented by owners in said county of Gilmer, their main canals, ditches, fooms or aqueducts, by diverting the streams of the Courticay river and its tributary branches and creeks from their natural channels at any point or points; *provided*, that the diversion of such stream or streams for the purposes aforesaid, shall not affect any mill stream or streams, as may be necessary for the purpose of developing the mineral resources of the adjacent lands, subject to such damages, or compensation to the legal owners of such vacant lands, should such non-residents appear and assert their rights, as are reasonable and just, to be adjudged of, and determined by three free-holders of said county, one chosen by said Company, one by the claimant, and the third chosen by the Inferior Court of said county, and their judgment being returned, duly certified to the Clerk of the Superior Court of said county of Gilmer; and said arbitrators are hereby authorized and required to certify and return their said judgment, and all the proceedings in the case to Clerk as aforesaid; said Clerk shall issue execution against the party cast, for all costs and damages, and said execution may be enforced under the same rules and laws that now govern the collection of money by execution in this State, unless the party against whom said arbitrators find, shall enter an appeal in said Clerk's office, within four days from the return and entry of said judgment, which appeal may be entered under the regulations that govern other cases of appeal.

28. SEC. V. *And be it further enacted*, That should any person or persons refuse to grant the right of way to said Company, or prevent or obstruct the same in any manner, from the successful prosecution of said operation for the development of the mineral resources of any land adjacent to said stream, said Company before exercising the right of way or any other necessary privilege as aforesaid, and said person or persons so objecting, shall each choose an arbitrator, and the Inferior Court of said county a third person

Said Co. may purchase real or personal estate.

Capital stock \$1,000,000.

Number of shares to be determined by a vote of the stockholders.

Stockholders liable pro rata.

Said Co. may divert the waters of the Courticay River and its branches.

Proviso.

Subject to reasonable damages.

To be determined by three free-holders.

Who are to make a return to the Superior Court of Gilmer co.

The Clerk to issue execution for the amount of costs and damages. Unless the party cast shall enter an appeal.

In case any person refuse the right of way.

Three arbitrators shall be chosen.

Courticay Hydraulic Hose Mining Company.

or umpire, who shall all be freeholders of said county, who shall proceed to examine the premises, through or over which said Company propose to pass, or on which they propose to operate, and said arbitrators shall assess the amount of damages, to be paid by said Company to such person or persons for the right and privileges aforesaid; which in all cases shall be paid by said Company before they are or shall be authorized to proceed; should such person or persons refuse to receive such compensation, then said Company are authorized to proceed with said operation, on the filing in the office of the Clerk of the Inferior Court of the county of Gilmer, good and sufficient security to be judged of by said court, for the payment of eventual damages and costs; should person or persons owning land aforesaid, fail or refuse to choose a free-holder as provided in this section within three days after being notified so to do; then the Inferior Court of said county on being satisfied of such failure or refusal, shall on application of said Company, appoint said arbitrator for said delinquent, person or persons as effectually as though chosen by him or themselves.

Who shall assess the amt. of damages.

Which shall be paid before the Co. can proceed.

In case of the refusal of such persons to receive the money so awarded.

The Co. may proceed by giving bond for eventual damages.

In case of the refusal of the person to appoint a free-holder on his part.

The Inferior Court of said county may appoint one for him.

Said Co. may turn water from said ditches by lateral ditches.

On any lot over which they may have jurisdiction.

Said water in flowing off, may pass over any lot whatever.

Proviso.

Said Co. may divert any running stream of water from its natural course.

Proviso.

Said Co. shall keep an office at Ellijay, which shall be its location.

The entering of an appeal shall not stop the work of the Co.

The lien shall have preference.

29. SEC. VI. *And be it further enacted*, That said Company by themselves, their agents or superintendents, or either of them, shall have full power and authority to turn the water from said ditch or ditches, by lateral ditches or otherwise, to be used by them for mining purposes, in such manner as they determine on, on any lot or lots that they may have jurisdiction, and to cause such water so turned, to flow off and pass over any other lot or lots belonging to any person or persons whomsoever, provided that if any person or persons owning or possessing any of said lots over which said lateral ditches may pass, or over or through which said water so turned should flow, said person or persons shall be entitled to compensation for damages, in the same manner as is set forth in the previous sections of this act.

30. SEC. VII. *And be it further enacted*, That said Company shall have power and authority to divert any running stream of water from its natural and ordinary course, to supply said main or lateral ditches with water for the purpose aforesaid; *provided* that any person or persons, owners of lots of land on said stream so diverted, shall be damaged by said diversion, that such person or persons shall be entitled to compensation in the same manner as is set forth in the previous sections of this Act.

31. SEC. VIII. *And be it further enacted*, That said Company shall keep an office at Ellijay in said county, which shall be considered for all judicial purposes its location.

32. SEC. IX. *And be it further enacted*, That the entering of an appeal in all cases provided for in this Act, shall in no case prevent the Company from proceeding with the work and opening their aqueducts through the lands in question.

33. SEC. X. *And be it further enacted*, That in claims for damages to land, liens shall have preference to all other liens on said corporate property.

34. SEC. XI. *And be it further enacted*, That if any person or

Georgia Whitepath Gold and Copper Company.

Any person who shall willfully destroy the works of the Co., shall be guilty of a misdemeanor And shall be liable to fine and imprisonment at the discretion of the Court. And shall pay expenses of rebuilding the same.

persons shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall counsel, aid, or assist, or advise any person or persons in any manner to hurt, damage, injure, or obstruct said Company's ditches, trestle work, flooms or dams, or any of the appurtenances thereunto belonging or appertaining, such person or persons so offending, shall be liable to be indicted for misdemeanor, and on conviction shall be fined and imprisoned at the discretion of the court, and shall further be liable to pay all expenses of rebuilding the same.

35. SEC. XII. *And be it further enacted*, That the arbitrators above mentioned and provided in this Act, shall be disinterested persons residing in the county where the land lies, or the issue or issues originate.

36. SEC. XIII. *And be it further enacted*, That nothing in this Act shall be so construed as to prevent the Legislature from changing, modifying, or entirely repealing the franchises, rights, and privileges conferred upon this Company, whenever in the opinion of the General Assembly the interests or welfare of any considerable portion of the people in the section where such franchises shall be exercised, require such modification or repeal.

37. SEC. XIV. *And be it further enacted*, That the terms and conditions imposed by the foregoing section shall attach and apply to all like Companies which have been or may hereafter be incorporated.

Assented to Dec. 20th, 1860.

1. GEORGIA WHITE PATH GOLD AND COPPER COMPANY.

Sec. 38. Charter of the Georgia White Path Gold and Copper Company amended.

" 39. Said Co. may erect their canals, &c., over vacant lands.

" 40. In case of refusal of any person to allow said Co. to go over their lands, the dispute to be settled by arbitrators.

Sec. 41. Any person who shall willfully destroy, or persuade any one to destroy said Company's ditches, shall be guilty of misdemeanor. Punishment.

" 20. The entry of an appeal not to stop the work of the Company.

(No. 117.)

*An Act to amend an Act entitled an Act to incorporate the Georgia White Path Gold and Copper Company, approved February 18, 1856.**

Charter of the Georgia White Path Gold and Copper Co. amended. Said Co. may erect their canals, &c., over vacant lands. May divert the waters of White Path and Turnip Town creeks.

38. SECTION I. *Be it enacted by the General Assembly of the State of Georgia*, That the above entitled Act be amended to read as follows :

39. SEC. II. *And be it further enacted*, That said Company shall have power to locate and construct by, through, or over any vacant land within the county of Gilmer, not represented by legal owner or owners, their main canal, ditch, flume trussel work or aqueduct, by diverting the streams of White Path and Turnip Town Creeks

* See Acts 1855 and 1856, pamp. p. 447.

Georgia Whitepath Gold and Copper Company.

in said county of Gilmer, or their tributary branches from their natural course at such point or points as may be necessary for the purpose of working and developing the mineral resources of the adjacent land, and any owner, or owners of such vacant land upon appearing and making out their claims to such vacant land, shall be entitled to such damages from said Company as shall be adjudged reasonable and just between the parties; said damages aforesaid to be determined and ascertained by three freeholders, one of whom shall be chosen by the claimant, the other by the company, and the third by the first two chosen by the parties, and their finding and judgment shall be final between said parties, and said judgment of said arbitrators shall be returned in writing, certified under their hands and seals, to the Clerk of the Superior Court of the county of Gilmer, and entered by him of record on the minutes of Court, upon which said Clerk may issue execution against the party cast, for damages and costs, unless the party against whom said arbitrators render an award shall enter an appeal in said Clerk's office within four days from the return and entry of said judgment, which appeal may be entered under the same regulations as govern other cases of appeals.

Owners entitled to reasonable damages. To be ascertained by 3 freeholders.

Whose award shall be returned to the Sup. Court of Gilmer Co.

The Clerk may issue an execution against the party cast. Unless in case of appeal.

40. SEC. III. *And be it further enacted*, That if any citizen should refuse to grant to said Company the right of way through his land, or endeavor to require exorbitant damages from said Company for the right or privilege necessary for the successful prosecution of said mining operations, then said citizen and said Company each choose a freeholder, and these two, a third person being a freeholder, which three persons shall determine the amount that shall be paid by said Company to such person for the right and privilege to be obtained, which amount shall, in all cases, be paid or tendered to such person before exercising such right or privilege; in the event such person refuse to choose an arbitrator on his part, then two Justices of the Peace in the District where such person shall reside, are hereby authorized and required to select such person for him, and such person so selected, together with the other arbitrator chosen by the Company, shall proceed in the same manner as prescribed above, and their finding and judgment be effectual as against both parties concerned.

In case of the refusal of any person to allow the Co. to pass over their lands.

The dispute to be determined by Arbitrators.

In case of the refusal of either to appoint an Arbitrator two J. P.'s to appoint them.

41. SEC. IV. *And be it further enacted*, That if any person or persons shall wilfully and maliciously destroy, or in any manner hurt, damage, injure, or obstruct, or shall counsel, aid, assist or advise any person or persons in any manner to hurt, damage, injure or obstruct said Company's ditch or ditches, trussel work, flumes or dams, or any of the appurtenances thereunto belonging or appertaining, such person or persons so offending, shall be liable to be indicted for a misdemeanor, and on conviction shall be fined or imprisoned at the discretion of the Court, and shall further be liable to pay all expenses of rebuilding the same.

Any person who shall wilfully destroy or persuade any person to destroy.

Said Companies ditches, &c. Shall be liable to be indicted for a misdemeanor.

On conviction shall be fined or imprisoned at the discretion of the Court.

42. SEC. V. *And be it further enacted*, That the entry of an appeal shall, in no case, prevent the Company from proceeding with the work, and opening their aqueducts through the land in ques-

The entry of an appeal not to prevent the Company

Loud Hydraulic Hose Mining Company.

from continuing their work.

tion, on the Company giving bond and good security to be judged of by the Inferior Court, and deposited in the Clerk's office of said Court, conditioned for the payment of ultimate damages.

Assented to December 20th, 1860.

3. LOUD HYDRAULIC HOSE MINING COMPANY.

Sec. 43. Loud Hydraulic Hose Mining Company incorporated. Purposes of said incorporation.

" 44. By 45 name may purchase and hold real and personal estate.

" 45. Capital stock \$1,000,000. Stockholder liable *pro rata*.

" 46. Said Company may turn the waters of Town Creek, Jennies' Creek, and Glade and Rooker branches—*Provido*.

" 47. Said Company may also divert the waters of Tesnatee River, Town Creek, and Shatteen branch.

Sec. 48. Right of appeal to be the same as in charter of Etowah and Auraria Hydraulic Hose Mining Company's Charter.

" 49. Any person injuring the works of the Company shall be punished as prescribed in the aforesaid charter.

" 50. The Legislature shall have the power to alter or repeal this charter.

" 51. The restrictions of this charter to apply to all Companies now or hereafter to be organized.

" 52. The lien of claims for damages shall have the precedence.

(No. 118.)

An Act to incorporate the Loud Hydraulic Hose Mining Company.

Loud Hydraulic Hose Mining Co. incorporated.

Purpose of said incorporation.

By that name may sue or be sued, plead, &c.

May have a common seal.

May make by-laws, &c.

Provido.

By its name may purchase real and personal estate.

Capital stock \$1,000,000.

43. SECTION I. *Be it enacted, &c.*, That Rufus R. Asbury, and such persons as he may associate with him, and their successors and assigns shall be, and they are hereby declared, as soon as they shall organize under this Act, a body corporate and politic, under the name and style of the Loud Hydraulic Hose Gold Mining Company, for the purpose of diverting and turning the waters of Town Creek, Jennies Creek, and Glade and Rooker branches, from their natural channel, by dam or dams, ditch or aqueducts of any kind, to work for gold or any other valuable minerals, according to the Hydraulic Hose Mining system, in the county of Lumpkin, State of Georgia, on any lands said Company may now own, or may hereafter own, or that they may become possessed of either by purchase or lease, and by that name may sue or be sued, plead or be impleaded, answer or be answered unto, in any Court of law or equity in this State having competent jurisdiction, and shall enjoy perpetual succession of officers and members, may have and use a common seal, and alter the same at pleasure, may make, ordain and establish such by-laws, rules and regulations as they may deem expedient and necessary to carry into effect the objects of the Company; *Provided*, such by-laws, rules and regulations are not inconsistent with the Constitution and laws of this State, nor with the Constitution and laws of the United States.

44. SEC. II. *Be it further enacted*, That the aforesaid Company hereby created, shall, by its corporate name be capable in law of purchasing, owning, selling and conveying any real or personal estate which may be necessary to enable said corporation efficiently to carry on the operations mentioned in the first section of this Act.

45. SEC. III. *And be it further enacted*, That the capital stock of said Company shall be one million of dollars, with power to be

Loud Hydraulic Hose Mining Company.

increased to two millions of dollars, which capital stock of said company may be divided into such number of shares as may be determined upon by a vote or votes of three fourths of the stockholders at a regular meeting of said stockholders, to be ascertained by the rules and by-laws of said Company, all parties at interest first having notice of the time and place of such meeting, and the stockholders in said Company shall be liable, *pro rata*, for the debts of said Company to the amount of stock by them respectively held, and for no greater amount.

with powers
to increase to
\$2,000,000.
Shares to be
divided.

Stockholder
liable *pro*
rata.

46. SEC. IV. *And be it further enacted*, That said Company shall have power to turn the waters of Town Creek, Jennie's Creek, and Glade and Rooker branches, for hydraulic hose mining purposes, in said county of Lumpkin, under the same provisions and in the same manner as is set forth in sections fourth, fifth and sixth of Etowah and Auraria Hydraulic Hose Mining Companies' charter; *provided* that the diversion of said stream or streams, as herein contemplated, shall not affect mill stream or streams.

Said Co.
may turn the
waters of
Town Creek,
Jennie's
Creek, and
Glade and
Rooker
Branches.

Proviso.

47. SEC. V. *And be it further enacted*, That said Company shall have the power to convey the waters of the Tesnatee river and Town creek through the Loud deposit mines, and Shatteen branch to intersect the Tesnatee river below the mouth of said Shatteen branch, under the same provisions and in the same manner as is set forth in the previous sections of this Act.

Said Co. may
also divert
waters of Tes-
natee River,
Town Creek
and Shatteen
Branch.

48. SEC. VI. *And be it further enacted*, That the right of appeal in this Act shall be the same and in the same manner as is provided for in section eighth of the Etowah and Auraria Hydraulic Hose Mining Companies' charter; but the entering of an appeal shall not obstruct the works of said company, on the said company filing in the office of the Clerk of the Inferior Court of the county of Lumpkin, good and sufficient security, to be judged of by said Court, for the payment of eventual damages and costs.

Right of ap-
peal to be the
same as in
Charter of E.
and A. Hyd.
Hose Mining
Co.

The Ct. to
give bond for
eventual dam-
ages & costs.

49. SEC. VII. *And be it further enacted*, That any person injuring or in any manner interfering with the works of this company, shall be punished in the same manner as is set forth in section ninth of the said Etowah and Auraria Hydraulic Hose Mining Companies' charter.

Any person
injuring the
works of this
Co. shall be
punished as
set forth in
the Charter of
said E. and A.
Hyd. Hose
Mining Co.

50. SEC. VIII. *Be it further enacted*, That nothing in this Act shall be so construed as to prevent the Legislature from changing, modifying, or actually repealing the franchises, rights and privileges conferred upon this company, whenever, in the opinion of the General Assembly, the interests or welfare of any considerable portion of the people residing in the section where such franchises shall be exercised require such modification or repeal.

The Legisla-
ture shall
have power to
change or re-
peal this
charter.

51. SEC. IX. *Be it further enacted*, That the terms and conditions imposed by the foregoing section shall attach and apply to all like companies which have been or may hereafter be incorporated.

The restric-
tions of this
Charter to ap-
ply to all Cos.
now or here-
after to be or-
ganized.

52. SEC. X. *Be it further enacted*. That the lien of the claim for damages herein provided for shall take precedence of and override all other liens.

Lien of claim
for damages
shall have
precedence.

Assented to December 20th, 1860.

4. MOUNTAIN TOWN HYDRAULIC HOSE MINING COMPANY.

- Sec. 53. Corporators: Mountain Town Hydraulic Hose Mining Company incorporated.
- " 54. Said Company may purchase and hold real and personal estate, &c.
- " 55. Capital Stock \$1,000,000; Stockholders liable pro rata.
- " 56. Said Company may construct their works over any vacant lands.
- " 57. If any person shall oppose the erection of such works; *Proviso*: The dispute is to be settled by Arbitrators.
- " 58. Said Company may turn the waters from said main ditches; *Proviso*.
- " 59. Said Company may divert any running stream; any person damaged by such diversion to be compensated.
- Sec. 60. Ellijay shall be considered its location.
- " 61. Entering an appeal shall not prevent the company from continuing their work.
- " 62. Any person injuring the works of said Company shall be guilty of a misdemeanor.
- " 63. Arbitrators shall be disinterested citizens of the county.
- " 64. Lien for damages to be the highest lien.
- " 65. Legislature may modify or repeal this Charter; whenever it becomes necessary.
- " 66. The like restrictions shall apply to all companies now or hereafter to be incorporated.

(No. 119.)

An Act to incorporate the Mountain Town Hydraulic Hose Mining Company.

53. SEC. I. *And be it further enacted, &c.*, That William B. Dorn, James J. Fields and Ezekiel M. Spriggs, and such persons as they may associate with them and their successors and assigns shall be, and they hereby declared, as soon as they shall organize under this Act, a body corporate and politic under the name and style of the Mountain Town Hydraulic Hose Mining Company, for the purpose of directing and turning the waters of the Mountain Town Creek, and its natural branches from their natural channel, by dams, ditches or aqueducts of any kind, to work for gold or any other valuable minerals, according to the Hydraulic Hose Mining system, in the county of Gilmer, State of Georgia, on any lands said company now own or may hereafter own, or that they may become possessed of either by purchase or lease, and by that name, may sue or be sued, plead or be impleaded, answer or be answered unto, in any court of law or equity in this State, having competent jurisdiction, and shall enjoy perpetual succession of officers and members, may have and use a common seal, and alter and change the same at pleasure, may make, ordain, and establish such by-laws, rules and regulations as they may deem expedient and necessary to carry into effect the objects of the company; provided such by-laws, rules and regulations are not inconsistent with the Constitution and laws of this State, nor with the Constitution and laws of the United States.

Corporators

Mountain
Town Hydraulic Hose
Mining Co.
incorporated.By that name
may sue and
be sued, plead,
&c.May use a
common seal.May make
by-laws, &c.

Proviso.

Said Co. may
purchase real
and personal
estate, &c.

54. SEC. II. *And be it further enacted*, That the aforesaid company hereby created, shall, by its corporate name, be capable in law of purchasing, leasing, owning, selling and conveying any real or personal estate, which may be necessary to enable said corporations efficiently to carry on the operations mentioned in the first section of this Act.

55. SEC. III. *And be it further enacted*, That the capital stock of

Mountain Town Hydraulic Hose Mining Company.

said company may be one million of dollars, which capital stock of said company may be divided into such number of shares as may be determined upon, by a vote or votes of three fourths of the stockholders at a regular meeting of said stockholders to be ascertained by the rules and by-laws of said company, all parties at interest, first having notice of the time and place of such meeting, and the stockholders in said company, shall be liable pro rata for the debts of said company, to the amount of the stock by them respectively held, but for no greater amount.

Capital stock
\$1,000,000.
Which may
be divided in-
to shares.

Stockholders
liable pro
rata.

56. SEC. IV. *And be it further enacted*, That said company shall have power and authority to construct, by, through or over any vacant lands unrepresented by owner, in said county of Gilmer, their main canals, ditches, flumes or aqueducts by diverting the stream of the Mountain Town Creek and its tributary branches from their natural channels at any point or points as may be necessary for the purpose of developing the mineral resources of the adjacent lands, subject to such damages or compensation to the legal owners of such vacant lands, should such non-residents appear and assert their rights as are reasonable and just, to be adjudged of, and determined by three free-holders of said county, one chosen by the said company, one by the claimant, and the third chosen by the Inferior Court of said county, and their judgment being returned, duly certified to, the Clerk of the Superior Court of said county of Gilmer, and said arbitrators, are hereby authorized and required to certify and return their said judgment and all the proceedings in the case to the Clerk as aforesaid; said Clerk shall issue execution against the party east, for all costs and damages, and said execution may be enforced under the same rules and laws that now govern the collection of money by execution in this State, unless the party against whom said arbitrators find, shall enter an appeal in said Clerk's office within four days, for the return and entry of said judgment, which appeal may be entered under the regulations as govern other cases of appeal.

Said Co. may
construct
their works
over any vac-
ant lands.

Subject to
reasonable
damages.

To be ascer-
ed by three
free holders.

Who are to
return their
award to the
Sup. Court.

The Clerk to
issue an exe-
cution.

Unless in case
of appeal.

57. SEC. V. *And be it further enacted* That should any person or persons refuse to grant the right of way to said company, or prevent or obstruct the same, in any manner from the successful prosecution of said operations for the development of the mineral resources; *provided*, That the diversion of the stream or streams herein mentioned, shall not effect any mill stream, or streams of any lands adjacent to said streams, said company before exercising the right of way, or any other necessary privilege as aforesaid, and said person or persons so objecting, shall each choose an arbitrator, and the Inferior Court of said county, a third person or umpire, who shall all be freeholders of said county, who shall proceed to examine the premises through or over which said company propose to pass, or on which they propose to operate, and said arbitrators shall assess the amount of damages to be paid by said company to such person or persons for the right and privileges aforesaid, which in all cases, shall be paid by said company before they are, or shall be authorized to proceed; should such per-

If any person
obstruct the
works of said
Co.

Proviso.

Each party
shall choose
an Arbitrator.

Who shall as-
sess the amt.
of damages.

Which shall
be paid be-
fore said Co.
can proceed.

Mountain Town Hydraulic Hose Mining Company.

In case the person refuse to receive the money.

In case of the refusal of said person to appoint an Arbitrator.

Inf. Court of said county to do so.

Said Co. may turn the water from said main ditches.

And cause the water to flow off over other lots of land. Provided.

Said Co. may divert any running stream. To supply said ditches, &c. Any person damaged by said diversion shall be compensated.

Ellijay shall be considered its location.

Entering of an appeal shall not prevent the Co. from continuing their work. On said Co. giving bond for eventual damages.

Any person injuring the works of said Co. Shall be guilty of a misdemeanor.

On conviction shall be subject to a fine.

son or persons refuse to receive such compensation, then the said company are authorized to deposite the amount of said damages, and all costs which have accrued in the Clerks office of the Superior Court of said county of Gilmer, and take a certificate from said Clerk, to that effect, and then proceed with said operation; should such person or persons owning lands aforesaid, fail or refuse to choose a free-holder as provided in this section, within three days after being notified so to do, then the Inferior Court of said county, on being satisfied of such failure or refusal, shall on application of said company, appoint a person or persons, as effectually as though chosen by him or themselves.

58. SEC. VI. *And be it further enacted*, That said company by themselves; their agents or superintendents, or either of them, shall have full power and authority to turn the water from said ditch or ditches by lateral ditches, or otherwise to be used by them for mining purposes, in such manner as they determine on, or any lot or lots that they may have jurisdiction, and to cause such water so turned to flow off and pass over any other lot or lots belonging to any person or persons whomsoever; *provided*, that if any person or persons owning or possessing any of said lots over which said lateral ditches or over through which said water so turned, should flow, said person or persons, shall be entitled to compensation for damages in the same manner as is set forth in the preceeding sections of this act.

59. SEC. VII. *And be it further enacted*, That said company shall have power and authority to divert any running stream of water from its natural, and ordinary course to supply said main or lateral ditches with water, for the purpose aforesaid; *provided*, that any person or persons, owners of lots of lands on said Mountain Town streams so diverted, shall be damaged by said diversion, that such person or persons, shall be entitled to compensation in the same manner as is set forth in the previous sections of this act.

60. SEC. VIII. *And be it further enacted*, That said company shall keep an office at Ellijay in said county, which shall be considered for all judicial purposes, its location.

61. SEC. IX. *And be it further enacted*, That the entering of an appeal in all cases provided for in this Act, shall in no case prevent the company from proceeding with the work and opening their aqueducts through the lands in question, on the said company filing in the office of the Clerk of the Inferior Court of the county of Gilmer, good and sufficient security, to be judged of by said Court, for the payment of eventual damages and costs.

62. SEC. X. *And be it further enacted*, That if any person or persons shall wilfully and maliciously destroy, or in any manner hurt, damage, injure, or obstruct, or shall council, aid or assist or advise any person or persons in any manner to hurt, damage, injure or obstruct said company's ditches, tressell work, flumes or dams or any of the appertenances thereunto belonging or appertaining, such person or persons so offending, shall be liable to be indicted for a misdemeanor, and on conviction, shall be subject or to

Nacoochee Hydraulic Mining Company.

fine, or imprisonment, or both, in the discretion of the court, or at hard labor in the Penitentiary, at the discretion of the court, for a term not less than one, nor more than four years, and shall further be liable to pay all expenses of rebuilding the same.

Or imprisonment in the Penitentiary. Not less than one nor more than four years.

63. SEC. XI. *And be it further enacted*, That the arbitrators above mentioned and provided in this Act, shall be disinterested persons residing in the county, where the land lies, or the issues or issue originated.

Arbitrators shall be disinterested citizens of the county.

64. SEC. XII. *Be it further enacted*, That in claims for damages to lands by running through or over the same, it shall be taken and considered as a higher lien than any other claim against the corporate property.

Lien for damages to be the highest lien.

65. SEC. XIII. *Be it further enacted*, That nothing in this Act shall be so construed as to prevent the Legislature from changing, modifying, or actually repealing the franchises, rights, and privileges conferred upon this company, whenever, in the opinion of the General Assembly, the interest or welfare of any considerable portion of the people in this section, where such franchises shall be exercised, require such modification or repeal.

Legislature may modify or repeal this Charter.

66. SEC. XIV. *Be it further enacted*, That the terms and modification imposed by the foregoing section, shall attach and apply to all like companies which have been, or may hereafter be incorporated.

Whenever the interest of a considerable portion of the inhabitants of that section requires it. The like restrictions shall apply to all Co's, now or hereafter to be incorporated.

Assented to December 20th, 1860.

5. NACOOCHEE HYDRAULIC MINING COMPANY.

Sec. 67. 2d Section of Charter of Nacoochee Hydraulic Mining company; repealed.

Sec. 68. Capital stock of said company, \$500,000; The rights, privileges, &c., of the Yahoola River and Cane Creek Hydraulic Hose Mining Company; Charter extended to the Nacoochee Hydraulic Mining Company.

(No. 120.)

*An Act to amend An Act entitled An Act to incorporate the Nacoochee Hydraulic Mining Company, assented to December 22, 1857.**

67. SEC. I. *The General Assembly of the State of Georgia do enact*, That the second section of the Act entitled An Act to incorporate the Nacoochee Hydraulic Mining company, assented to December 22d, 1857, be repealed and the following substituted therefor.

2d Section of Charter of Nacoochee Hydraulic Mining Co. repealed.

68. SEC. II. *And be it further enacted*, That the capital stock of said company shall be five hundred thousand dollars, divided into such number of shares, as shall be provided for and fixed by the by-laws of said company; that each share of said stock, shall entitle the holder thereof to one vote, and that the said company shall enjoy the same rights and privileges, and be subject to the same liabilities and restrictions, as are granted to, and imposed upon the Yahoola River and Cane Creek Hydraulic Hose Mining Company by An Act assented to December 11th, 1858, and also,

Capital stock of said Co. \$500,000.

The privileges, &c., of the Yahoola River and Cane Creek

* See Acts of 1857, pamp. p. 219--20.

Stephenson Gold Mining Company.

Hydraulic
Hose Mining
Co. extended
to Nacoochee
Hydraulic
Mining Co.

by An Act entitled An Act to amend An Act entitled An Act to incorporate the Yahoola River and Cane Creek Hydraulic Hose Mining Company, assented to December 11th, 1858, which Act of amendment was assented to December 6th, 1859; so far as the same may be applied, or used in connection with the operations of the said Nacoochee Hydraulic Mining Company, on the Chattahoochee River and Dukes Creek, in White county, and generally have, exercise and enjoy all the rights and privileges, incident to corporations.

Assented to December 20th, 1860.

6. STEPHENSON GOLD MINING COMPANY.

Sec. 69. Corporators, Stephenson Gold Mining Company, incorporated; powers &c.

" 70. May purchase and hold real and personal estate.

" 71. Capital stock \$500,000. Stockholders shall be liable, *pro rata*.

" 72. Said Company may construct a rail track from said mill to any mill, at or near Dahlonega.

Sec. 73. Entering an appeal shall not stop the works of the Company.

" 74. If any person shall destroy the works of said Company, he shall be guilty of a misdemeanor, punishment.

" 75. Dahlonega shall be considered its location.

(No. 121.)

An Act to incorporate the Stephenson Gold Mining Company.

69. SECTION 1. *Be it enacted by the General Assembly of the State of Georgia,* That Dr. Marinus H. Vandike, Benjamin Hamilton, and such persons as they associate with them, and their successors and assigns shall be, and they are hereby declared, as soon as they shall organize under this Act, a body corporate and politic, under the name and style of the Stephenson Gold Mining Company, to work for Gold or other valuable minerals, in the county of Lumpkin, State of Georgia, on any lands said Company may now own, or may hereafter own, or that they may become possessed of, either by purchase or lease, and by that name may sue or be sued, plead or be impleaded, answer or be answered unto, in any court of law or equity, having competent jurisdiction, and shall engage perpetual succession of officers and members, may have and use a common seal, and alter the same at pleasure, may make, ordain and establish such by-laws, rules and regulations, as they may deem expedient and necessary to carry into effect the objects of the Company; *provided* such by-laws, rules and regulations are not inconsistent with the constitution and laws of this State, nor with the constitution and laws of the United States.

70. SEC. II. *And be it further enacted,* That the aforesaid Company hereby created, shall, by its corporate name, be capable in law, of purchasing, owning, selling and conveying, any real or personal estate, which may be necessary to enable said corporation efficiently, to carry on the operation mentioned in the first section of this Act.

Stephenson Gold Mining Company.

71. SEC. III. *And be it further enacted*, That the capital stock of said Company shall be five hundred thousand dollars, which capital stock may be divided into such number of shares as may be determined upon by a vote or votes of three-fourth of the stockholders, at regular meeting of said stockholders, to be ascertained by the rules and by-laws of said Company, all parties at interest first having notice of the time and place of such meeting, and the stockholders in said Company, shall be liable *pro rata*, for the debts of said Company, to the amount of the stock by them respectively held, but for no greater amount.

Capital stock
\$500,000.

Stockholders
shall be liable
pro rata.

72. SEC. IV. *And be it further enacted*, That said Company shall have power and authority to construct a rail tract or way, from the said Stephenson Mine to any mill or mills owned by said Company, situated on the Yahoola river, at or near the Brand lot near the town of Dahlongega, in said county of Lumpkin, for the purpose of transmitting ores from said mine to said mill or mills, subject to such damages or compensation to the legal owners of the lands on which said rail track or tracks may be constructed, as are reasonable and just, to be adjudged of and determined by three freeholders of said county of Lumpkin, one chosen by said Company, one by the owner of said land, and the third chosen by the Inferior Court of said county, and on their judgement being returned, duly certified to the Clerk of the Superior Court of said county of Lumpkin, and said arbitrators are hereby authorized and required to certify and return their said judgment, and all the proceedings in the case, to the Clerk as aforesaid, said Clerk shall issue execution against the party cast, for all costs and damages, and said execution may be enforced under the same rules and laws that now govern the collection of money by execution in this State unless the party against whom said arbitrators find, shall enter an appeal in said Clerk's office, within four days from the return and entry of said judgment, which appeal may be entered under the same regulations as govern other cases of appeal.

Said Co. may
construct a
Rail Track
from said
mine to any
Mill or Mills.
At or near
Dahlongega.

Subject to rea-
sonable dam-
ages to the
owners of the
lots.
To be assess-
ed by three
free holders.

Who are to
return their
award to the
Superior
Court of
Lumpkin Co.

The Clerk to
issue execu-
tion against
the party cast.

Which may
be enforced
unless in case
of an appeal.

73. SEC. V. *An be it further enacted*, That the entering of an appeal in all cases provided for in this Act, shall in no case prevent the Company from proceeding with their rail track or tracks through the lands in question, on depositing with the Superintendent of the branch mint of the United States, at Dahlongega, or with such other proper person as the Superior Court of said county may direct, the sum found by the arbitrators, to be held subject to the final order of said court.

Entering of
an appeal
shall not stop
the works of
the Co.
In case the
Co. deposit
with the
Supt. of the
Branch Mint
at Dahlongega
the amt. of
the award.

And provided further, That the Judge in vacation shall have the power to pass the proper order in reference to the deposit of the money, so as not to hinder the progress of the works, till a regular term of the court.

The Judge in
vacation shall
have power
to pass the
proper order.

74. SEC. VI. *And be it further enacted*, That if any person or persons shall wilfully and maliciously destroy, or in any manner hurt, damage, injure or obstruct, or shall council, aid, assist or advise person or persons, in manner, to hurt, damage, injure or obstruct said Companies rail track or way, or any of the appurtenances

If any person
shall injure
or destroy
the works of
said Co.

Wood Hydraulic Hose Mining Company.

He shall be liable to be indicted for a misdemeanor. And subject to fine and imprisonment at the discretion of the Court. Dahlonga shall be considered its location.

thereunto belonging, or appertaining, such person or persons so offending, shall be liable to be indicted for a misdemeanor, and on conviction shall be fined and imprisoned, or either, at the discretion of the court.

75. SEC. VII. *And be it further enacted*, That said Company shall keep an office at Dahlonga, in said county, which shall be considered for all judicial purposes, its location.

SEC. VIII. Repeals conflicting laws.

Assented to Dec. 19, 1860.

7. WOOD HYDRAULIC HOSE GOLD MINING COMPANY.

Sec. 76. Corporations--Wood Hydraulic Hose Gold Mining Company; incorporated.

" 77. Said Company may purchase and hold real and personal estate.

" 78. Capital stock \$500,000--stock holders liable *pro rata*.

" 79. Said Company may turn the waters of Etowah river, and also of Peach Tree creek, in the same manner, as pointed out in the charter of the Etowah and Auraria Hydraulic Hose Mining Company.

Sec. 80. Right of appeal the same as in the aforesaid charter.

" 81. Punishment for injuring the works of said Company the same as in the aforesaid charter.

(No. 122.)

An Act to incorporate the Wood Hydraulic Hose Gold Mining Company.

Corporators.

Wood Hydraulic Hose Mining Co. incorporated.

By that name may sue and be sued, plead &c.

May use a common seal. Make by-laws, &c.

Proviso.

76. SECTION I. *Be it enacted, by the General Assembly of the State of Georgia*, That Dr. Marinus H. Van Dyke, John H. Blake, George W. Palmer, Joseph Young Thomas, A. C. Dexter, Richard Van Dyke, and such persons as they may associate with them, and their successors and assigns shall be, and they are hereby declared, (as soon as they shall organize under this Act,) a body corporate and politic, under the name and style of the Wood Hydraulic Hose Gold Mining Company, for the purpose of diverting and turning the waters of the Peach Tree Creek and its branches, from their natural channel, by dam or dams, ditch or aqueducts of any kind, to work for gold or any other valuable minerals, according to the Hydraulic Hose Mining system in the county of Lumpkin, State of Georgia, on any land said Company may now own, or may hereafter own, or that they may become possessed of, either by purchase or lease, and by that name may sue and be sued, plead or be impleaded, answer or be answered unto, in any court of law or equity in this State, having competent jurisdiction, and shall enjoy perpetual succession of officers and members, may have and use a common seal, and alter the same at pleasure, may make, ordain and establish such by-laws, rules and regulations as they may deem expedient and necessary to carry into effect the objects of the Company; *provided*, such by-laws, rules and regulations are not inconsistent with the constitution and laws of this State, nor with the constitution and laws of the United States.

77. SEC. II. *And be it further enacted*, That the aforesaid Com-

Wood Hydraulic Hose Mining Company.

pany hereby created, shall, by its corporate name be capable in law, of purchasing, owning, selling and conveying, any real or personal estate which may be necessary to enable said corporation efficiently to carry on the operations mentioned in the first section of this Act.

Said Co. may purchase and hold real and personal estate.

78. SEC. III. *Be it further enacted*, That the capital stock of said Company shall be five hundred thousand dollars, which capital stock of said Company may be divided into such number of shares as may be determined upon by a vote or votes of three-fourths of the stock-holders, at a regular meeting of said stock-holders, to be ascertained by the rules and by-laws of said Company, all parties at interest first having notice of the time and place of such meeting; and the stockholders in said Company shall be liable pro rata for the debts of said Company, to the amount of stock by them respectively held, but for no great amounts.

Capital stock \$500,000.

Stockholders liable pro rata.

79. SEC. IV. *And be it further enacted*, That for the purpose of crushing and washing ores for gold and other valuable minerals, said Company shall have the power to turn the waters of the Etowah river, by dam or otherwise, to propel mills or other machinery, on lands owned or possessed by them, under the same provisions and in the same manner as is set forth in sections fourth, fifth and sixth of the Etowah and Auraria Hydraulic Hose Mining Company's charter, and the said Wood Gold Mining Company shall have the power to turn the waters of Peach Tree creek and its branches, for Hydraulic Hose Mining purposes in said county of Lumpkin, and in the county of Dawson, under the same provisions and in the same manner as is set forth in sections fourth, fifth and sixth of said Etowah and Auraria Hydraulic Hose Mining Company's charter.

As is set forth in the Charter of the Etowah and American Hydraulic Hose Mining Co.

And may also turn the waters of Peach Tree Creek. In the manner set forth in the same charter.

80. SEC. V. *And be it further enacted*, That the right of appeal in this Act shall be the same and in the same manner as is provided for in section eight of said Etowah and Auraria Company's charter.

Right of appeal the same as in the aforesaid charter.

81. SEC. VI. *And be it further enacted*, That any person injuring or in any manner interfering with the works of this Company, shall be punished in the same manner as is set forth in section ninth of the said Etowah and Auraria Hydraulic Hose Mining Company's charter.

Punishments for injuring the works, &c., the same as in the aforesaid Charter

SEC. VII. Repeals conflicting laws.

Assented to December 20th, 1860.

ART. VI.—SAVINGS, BUILDING, AND MUTUAL LOAN ASSOCIATIONS.

1. *Augusta Mutual Loan Association.*
2. *Columbus Savings and Mutual Loan Association.*
3. *Home Loan Association.*
4. *People's Mutual Loan Association.*
5. *Union Loan and Building Association.*

1. AUGUSTA MUTUAL LOAN ASSOCIATION.

(For Act to incorporate, see Act No. 124, "To incorporate the Home Loan Association," &c.)

2. COLUMBUS SAVINGS AND MUTUAL LOAN ASSOCIATION.

SEC. 82. Name of Columbus Savings and Mutual Loan Association changed to Mechanics' Savings and Mutual Loan Association.

SEC. 83. Repealing clause.

(No. 123.)

*An Act to amend an Act entitled An Act to amend an Act entitled An Act to incorporate the Columbus Savings and Mutual Loan Association, approved March 1st, 1856.**

Preamble.

WHEREAS, in the original Act there is an omission to fix the place at which the principal office of said Association should be located; and whereas, the corporators desire to change the name of said Association to the Mechanics' Saving and Loan Association. Therefore, *Be it enacted,*

Name of the Columbus Savings Mutual Loan Association changed to Mechanics' Saving and Mutual Loan Association.

§2. SEC. I. That the name of said Association shall be the Mechanics' Saving and Loan Association, and the principal office of said Association shall be at such place as a majority of the corporators shall select as best calculated to carry out the purposes of said Association.

Repealing clause.

§3. SEC. II. *Be it further enacted, &c.,* That all Acts and parts of Acts inconsistent with this amendment be, and the same are, hereby repealed.

Assented to December 7th, 1860.

* See Acts of 1855 & 1856, pamph. p. 473.

3. HOME LOAN ASSOCIATION.

SEC. 84. Members of the Home Loan Association, of the People's Mutual Loan Association, and of the Augusta Mutual Loan Association, incorporated.

" 85. Property mortgaged to said Associations exempt from claims of dower by the wife; also from the claim of the widow and children for a year's support.

SEC. 86. Instruments in writing heretofore made to the officers of these Companies binding.

" 87. Said Companies shall have the power to sell property mortgaged to them without the process of foreclosure.

(No. 124.)

An Act to incorporate the Home Loan Association, the People's Mutual Loan Association, and the Augusta Mutual Loan Association, of Augusta, and for other purposes therein mentioned.

84. SECTION I. *The General Assembly of the State of Georgia do enact as follows:* The members of the Home Loan Association, of the People's Mutual Loan Association, and of the Augusta Mutual Loan Association, of Augusta, their successors and assigns, are hereby respectively made and created bodies politic and corporate for the purposes of their associations, and under the constitutions and by-laws heretofore adopted by them severally, with power, under the names of the Home Loan Association, the People's Mutual Loan Association, and of the Augusta Mutual Loan Association, respectively to sue and be sued, to make and adopt all such rules and regulations, and amendments of their said constitutions and by-laws, as they may deem advisable, with power to receive and hold and dispose of any and all property conveyed or mortgaged as security for any loan or debt; and no member of either of said associations shall transfer any portion of his or her shares or interest therein, without the consent of the Directors, unless all debts and loans due from them shall be paid.

Members of the Home Loan Association, the People's Mutual Loan Association, and of the Augusta Mutual Loan Association, incorporated.

With power to sue and be sued, to make rules and regulations.

No member shall transfer his stock except by permission of the Directors.

85. SEC. II. Any and all property which shall be mortgaged to said associations or any of their officers for their benefit, after the passage of this Act, shall be free and exempt from any and all claims of dower of the wife of the mortgagors, and from any and all claims for a year's support of the widow or children of the mortgagor.

Property mortgaged to said Associations exempt from the claims of dower by the wife. Also from the claim of the widow and children for a year's support.

86. SEC. III. All mortgages and other instruments of writing heretofore executed to the Treasurers of said associations, or any other of their officers, for the benefit of, or in trust for, said associations, shall be held, taken, and considered as legal and binding, and shall inure to the benefit of said associations.

Instruments in writing heretofore made to the officers of those Companies binding.

87. SEC. IV. The said associations shall have power, when the same is stipulated in any mortgage, to sell the mortgaged property according to the terms of the contract between the parties, and without resorting to the process of foreclosure which now obtains.

Said Co. shall have power to sell property mortgaged to them without the process of foreclosure.

SEC. V. Repeals conflicting laws.

Union Loan and Building Association.

Passed in the House of Representatives, over the veto of his Excellency the Governor, by a constitutional majority of two-thirds, the vote being, ayes 101, and nays 13.

December 13th, 1860.

CHAS. J. WILLIAMS,

Speaker of the House of Representatives.

GEO. HILLYER, *Clerk of the House of Representatives.*

Passed in the Senate over the veto of his Excellency the Governor by a constitutional majority of two-thirds, the vote being ayes 57, and nays 19.

December 18th, 1860.

T. L. GUERRY, *President of the Senate.*

FRED. H. WEST, *Secretary of the Senate.*

4. PEOPLE'S MUTUAL LOAN ASSOCIATION.

(For Act to incorporate, see Act No. 124 "To incorporate the Home Loan Association," &c.)

5. UNION LOAN AND BUILDING ASSOCIATION.

SECTION 88. Charter of the Union Loan and Building Association re-affirmed and re-enacted.

(No. 125.)

An Act to incorporate the Union Loan and Building Association, in the city of Atlanta.

Preamble.

WHEREAS, a number of persons have associated themselves together, and have obtained a charter from the Inferior Court of Fulton county, Georgia, incorporating themselves, their successors and assigns, under the name and style of the "Union Loan and Building Association" of Atlanta; and whereas, doubts are entertained as to the validity of such charter so granted,

Charter of
Union Loan
and Building
Association
re-affirmed
and re-enacted.

SECTION I. *Be it therefore enacted*, That the said Act of Incorporation, granted by the Inferior Court of said county of Fulton, be, and is, hereby ratified, re-granted and confirmed, with all the powers and privileges in said Act of Incorporation named, and that all and every of the acts and doings of said Association heretofore done, not inconsistent with the provisions of the said charter granted by said Court, be, and the same are, hereby legalized as fully as if said corporation had at first been chartered by the General Assembly of Georgia.

Assented to December 7th, 1860.

Appling and Ware—Calhoun and Baker—Dooly and Pulaski—Emanuel and Johnson.

TITLE V.

COUNTY LINES.

- | | |
|----------------------------|----------------------------|
| 1. Appling and Ware. | 16. Lumpkin and White. |
| 2. Calhoun and Baker. | 17. Macon and Dooly. |
| 3. Dooly and Pulaski. | 18. Macon and Sumter. |
| 4. Emanuel and Johnson. | 19. Meriwether and Talbot. |
| 5. Forsyth and Milton. | 20. Newton and Jasper. |
| 6. Fulton and Clayton. | 21. Pickens and Gordon. |
| 7. Glascock and Jefferson. | 22. Pierce and Wayne. |
| 8. Gilmer and Fannin. | 23. Polk and Cass. |
| 9. Haralson and Carroll. | 24. Randolph and Calhoun. |
| 10. Henry and Butts. | 25. Stewart and Quitman. |
| 11. Irwin and Wilcox. | 26. Telfair and Pulaski. |
| 12. Jackson and Clark. | 27. Terrell and Webster. |
| 13. Jackson and Madison. | 28. Towns and Union. |
| 14. Lowndes and Echols. | 29. Wayne and Glynn. |
| 15. Lumpkin and Dawson. | |

1. APPLING AND WARE.

(For Act to change the line between, see Act No. 137, "To change the line between the counties of Merriwether and Talbot," &c.)

2. CALHOUN AND BAKER.

Sec. 1. Lines between Calhoun and Baker changed.

(No. 126.)

An Act to change the lines between the counties of Calhoun and Baker.

SEC. I. *Be it enacted, &c.,* That from and after the passage of this Act, the line dividing the counties of Calhoun and Baker shall be, and the same is hereby altered and changed, so as to include lots of land three hundred and eighty-three, (383) three hundred and eighty-four, (384) three hundred and eighty-five, (385) in the third District of Calhoun county, in the county of Baker.

Lines between Calhoun and Baker changed.

SEC. II. Repeals conflicting laws.

Assented to December 6, 1860.

3. DOOLY AND PULASKI.

(For Act to change the lines between, see Act No. 141, "To change the lines between certain counties therein mentioned.")

4. EMANUEL AND JOHNSON.

Sec. 2. Line between Emanuel and Johnson changed.

Sec. 3. Residences of Allen Meeks and Wm. Flanders included in Emanuel county.

(No. 127.)

An Act to change the line between the counties of Emanuel and Johnson.

2. SECTION I. *The General Assembly of the State of Georgia do enact,* That from and after the passage of this Act, the line between

Line between Emanuel and Johnson changed.

Forsyth and Milton.—Fulton and Clayton—Gilmer and Fannin—Glasscock and Jefferson.

Emanuel and Johnson counties be so changed as to begin at the Cowford, on the Little Ohoopce River, thence up said river to the mouth of Sartins' creek, thence up said creek to the line of said counties.

Residences
of Allen
Meekes and
Wm. Flat-
dors included
in Emanuel
county.

3. SEC. II. *Be it further enacted*, That the residences of Allen Meekes and William Flanders, be so changed as to make their residences in Emanuel county, including the lots of land on which they live.

SEC. III. Repeals conflicting laws.

Assented to December 19, 1860.

5. FORSYTH AND MILTON.

Sec. 4. Line between Forsyth and Milton changed. Sec. 5. Bridge across Big Creek to be included in the county of Milton.

(No. 128.)

An Act to change the county line between the counties of Forsyth and Milton.

Line between
Forsyth and
Milton
changed.

4. SECTION, I. *Be it enacted, &c.*, That from and after the passage of this Act, the county line between the counties of Forsyth and Milton, shall be so altered and changed as to run as follows: Commencing at where the McGinnis' ferry road now leaves the county of Milton on the North side of said county, and running said road direct to Sheltonville, in said county, including all that portion of the county of Forsyth now lying South of said road, in the county of Milton.

Bridge across
Big Creek to
be included
in the county
of Milton.

5. SEC. II. *Be it further enacted*, That the bridge across Big creek on said McGinnis' ferry road, shall be included in the county of Milton, which county shall pay for said bridge now being built, and the repairing and keeping up of the same.

SEC. III. Repeals conflicting laws.

Assented to December 8, 1860.

6. FULTON AND CLAYTON.

(For Act to change the line between, see Act No. 135, "To change the line between the counties of Lumpkin and Dawson," &c.)

7. GILMER AND FANNIN.

(For Act to change the line between, see Act No. 141, "To change the line between certain counties therein mentioned.")

S. GLASSCOCK AND JEFFERSON.)

Sec. 6. Line between Glasscock and Jefferson changed.

(No. 129.)

An Act to alter and change the county line between the counties of Glasscock and Jefferson, and for other purposes.

SECTION I. *The General Assembly of Georgia do enact*, That

Haralson and Carroll.

the county line between the counties of Glascock and Jefferson be changed and altered as follows: Beginning on Rocky Comfort creek, where the Jefferson and Glascock line crosses said creek, running thence down said creek to the mouth of the Juniper branch, on the West side to its head, thence to the Ogeechee river, by the residence of J. T. L. Wilcher and Lorenzo Callahan, so as to enclose their residence within the boundaries of Glascock, thence up said river to the Glascock line, according to the plan of survey hereto attached, and that portion of Jefferson included in said boundaries are hereby attached to the county of Glascock.

Line between
Glascock
and Jefferson
changed.

SEC. II. All laws in conflict herewith are hereby repealed.

Assented to December 20, 1860.

9. HARALSON AND CARROLL.

Section 7. Line between Haralson and Carroll changed—Matthew Reid relieved from liability on account of illegal voting.

(No. 130.)

An Act to change the line between the counties of Haralson and Carroll so as to add to the county of Carroll Lots of land Nos. 278 & 259 in the 7th district of originally Carroll now Haralson county, so as to change the residence of the persons residing thereon from Haralson to Carroll county, and to relieve Matthew Reid, a resident on said lots from all liability on account of illegal voting.

WHEREAS, A bill passed both branches of the General Assembly at the session of 1858, and a similar bill at the session of 1859, changing the county line between Haralson and Carroll, and thereby the residence of Matthew Reid from Haralson to Carroll county, and that both of said bills failed to become a law for want of the signatures of the presiding officers or some other cause; and that said Matthew Reid, under an apprehension that said Acts became a law, and has since that time been voting in Carroll county. Therefore,

Preamble.

7. SECTION I: *Be it enacted by the General Assembly of the State of Georgia,* That the county line between Haralson and Carroll counties be and the same is hereby changed so as to add to the county of Carroll lots of land Nos. two hundred and seventy-eight and two hundred and fifty-nine, in the 7th district of originally Carroll, now Haralson county, and that the voting of said Matthew Reid in Carroll county since November, 1858, be and the same is hereby declared valid, and that he be and is hereby exonerated from all liability on account of said voting.

Line between
Haralson and
Carroll
changed.

Matthew Reid
relieved from
liability on
account of
voting.

Assented to December 18th, 1860.

Henry and Butts — Irwin and Wilcox. — Jackson and Clark. — Jackson and Madison.

10. HENRY AND BUTTS.

Section 8. Line between Henry and Butts changed. Section 9. Line between Pulaski and Wilcox changed.

(No. 131.)

An Act to change the line between Henry and Butts counties, and also to change the line between the counties of Pulaski and Wilcox.

Line between Henry and Butts changed. S. SECTION I. *Be it enacted, &c.,* That the line of Henry and Butts counties be so changed as to add half of lot No. one hundred and twenty-nine, in the Second District of Henry, it being the residence of George W. Thurston, to the county of Butts.

Lines between Pulaski and Wilcox changed. 9. SEC. II. *Be it further enacted,* That the line between the counties of Pulaski and Wilcox be so changed as to include Nos. 29 and 30 of originally Dooley, now Pulaski, being in the 8th District, in the county of Wilcox.

SEC. III. Repeals conflicting laws.
Assented to 20th December, 1860.

11. IRWIN AND WILCOX.

(For Act to change the line between, see Act No. 141, "To change the line between certain counties therein mentioned.")

12. JACKSON AND CLARK.

Section 10. Line between Jackson and Clark changed.

(No. 132.)

An Act to change the line between the counties of Jackson and Clark, so as to include the plantation of George W. Hudson in the county of Clark.

Line between Jackson and Clark changed. SECTION I. *Be it enacted, &c.,* That the line between the counties of Clark and Jackson be so changed as to include the plantation of George W. Hudson in the county of Clark.

SEC. II. Repeals conflicting laws.
Assented to December 19th, 1860.

13. JACKSON AND MADISON.

Section 11. Line between Jackson and Madison changed. Section 13. Line between Towns and Union changed.
" 12. Line between Macon and Taylor changed. " 14. Deed made by the Sheriff of Towns county made legal.

(No. 133.)

An Act to change the lines between the counties of Jackson and Madison; to change the line between the counties of Macon and Taylor; to change the line between the counties of Towns and Union; and to legalize a sale of a lot of land made by the Sheriff of the county of Towns.

11. SEC. I. *Be it enacted, &c.,* That the line between the counties of Jackson and Madison shall be as follows: To commence at the

Lowndes and Echols.

southwest corner of the land of James R. Chandler where the same touches the road which is now the line between said counties ; thence north eighty, west seventeen chains, to a post-oak ; thence south twenty-one west, twelve chains and seventy-five links, to a pine ; thence south twenty-seven, east twenty-seven chains and thirty links to an ash ; thence south seventeen, west thirty-eight chains and fifty links to a beech ; thence north seventy-nine, east forty chains to a post oak ; thence north forty-two chains to the road which now forms the line between said counties of Jackson and Madison ; thence along said road to the beginning post-oak corner.

Line between
Jackson and
Madison
changed.

12. SEC. II. *Be it further enacted*, That the line between the counties of Macon and Taylor be so changed as to include within the county of Taylor lot of land number two hundred and thirty-one, (231) in the first district of originally Muscogee, now Macon county, the same being the land of C. B. Howard and on the county line.

Line between
Macon and
Taylor
changed.

13. SEC. III. *Be it further enacted*, That all that part of the nineteenth district of the first section, which is now the county of Union, be added to and become a part of the county of Towns, as was intended by the formation of said county of Towns.

Line between
Towns and
Union
changed.

14. SEC. IV. *Be it further enacted*, That the sale of lot of land number eighty-eight, in said nineteenth district, made by the Sheriff of the county of Towns, be legalized and made valid, the same as if the said lot of land had been in the county of Towns at the time it was sold by the Sheriff.

Deed made by
the Sheriff of
Towns co.
made legal.

SEC. V. Repeals conflicting laws.

Assented to December 20th, 1860.

14. LOWNDES AND ECHOLS.

Section 15. Line between Lowndes and Echols changed.

Section 16. Line between Pickens and Gordon changed.

(No. 134.)

An Act to to add number three hundred and fifty-four to the county of Lowndes, now Echols county, and to change so far the county lines ; also to change the lines between the counties of Pickens and Gordon.

15. SECTION I. *Be it enacted, &c.*, That lot of land three hundred and fifty-four, in the eleventh district of originally Lowndes, now the plantation of Dennis Washington, and now Echols county, be added to the county of Lowndes.

Line between
Lowndes and
Echols
changed.

16. SEC. II. *Be it further enacted*, That the county line between the counties of Gordon and Pickens be changed so as to include lot of land number twenty-seven, in the twenty-third district and third section, the residence of Sarah Bunch, in Gordon county.

Line between
Pickens and
Gordon
changed.

Assented to December 19th, 1860.

Lumpkin and Dawson.—Lumpkin and White.—Macon and Dooly.

15. LUMPKIN AND DAWSON.

Section 17. Line between Lumpkin and Dawson changed.

Section 18. Line between Fulton and Clayton changed.

(No. 135.)

An Act to change the line between the counties of Lumpkin and Dawson, and between Fulton and Clayton.

Line between Lumpkin and Dawson changed.

17. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the line between the counties of Lumpkin and Dawson be so changed as to include lots of land numbers (1190) eleven hundred and ninety, (1191) eleven hundred and ninety-one, in the fifth district and first section, and lot number (35) thirty-five, in the twelfth district and first section, in the county of Dawson, the same being the residence of James Rice.

Line between Fulton and Clayton changed.

18. SEC. II. *And be it further enacted,* That the line between the counties of Fulton and Clayton be so changed as to add lot of land number (65) sixty-five, in the fourteenth district of originally Henry, now Fulton county, to the county of Clayton, including the residence of Wm. H. Deany, Esq.

Assented to Dec. 19th, 1860.

16. LUMPKIN AND WHITE.

(For Act to change line between, see Act No. 141, to change the lines between certain counties therein mentioned.)

17. MACON AND DOOLY.

Section 19. Line between Macon and Dooly changed.

(No. 136.)

An Act to change and alter the county lines between the counties of Dooly and Macon.

Lines between Macon & Dooly changed.

SECTION I. *Be it enacted &c.,* That from and after the passage of the same, that the county lines between the counties of Macon and Dooly be so altered as to attach all that portion of Dooly county east of Hog Creek to the county of Macon, and that said creek from where it empties into Flint River to the line of Houston county, be the dividing line between said counties of Macon and Dooly.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

Macon and Sumter.—Macon and Taylor.—Meriwether and Talbot.—Newton and Jasper.

18. MACON AND SUMTER.

Section 20. Line between Macon and Sumter changed.

(No. 137.)

An Act to change the lines between the counties of Macon and Sumter so as to attach the residence of George Walker, of Sumter county, to the county of Macon.

SECTION I. *Be it enacted, &c.,* That the north half of lot of land No. 192, in the 28th District of Sumter county, be and the same is hereby attached to the county of Macon, being that portion of said lot on which the residence of said Walker is situated.

Line between
Macon and
Sumter
changed.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

19. MACON AND TAYLOR.

(For Act to change the line between, see Act No. 133, "To change the line between Jackson and Madison," &c.)

20. MERIWETHER AND TALBOT.

Section 21. Line between Meriwether and Talbot changed.

Section 22. Line between Appling and Ware changed.

(No. 138.)

An Act to change the line between the counties of Meriwether and Talbot, and Appling and Ware.

21. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the line forming the north-eastern boundary of Meriwether be so changed as to commence at Batemon Gap on the Pine Mountain, at the point where, by the Act of the Legislature of 1853 and 1854, the line commence to run north to Pigeon Creek, and commencing at such point on said line it run on a straight line to the mouth of the branch running into Flint River about a half mile below the mouth of Pigeon Creek, and that all the territory included between said Pigeon Creek and said straight line, be in the county of Meriwether.

Line between
Meriwether
and Talbot
changed.

22. SEC. II. *Be it further enacted,* That lot of land number one hundred and seventy-two, (172) in the fifth District of Ware county, be added to and become part of the county of Appling.

Line between
Appling and
Ware
changed.

SEC. III. Repeals conflicting laws.

Assented to 20th December, 1860.

21. NEWTON AND JASPER.

Section 23. Line between Newton and Jasper changed.

Section 24. Line between Polk and Cass changed.

(No. 139.)

An Act to change the line between the counties of Newton and Jasper, and also the line between Polk and Cass.

23. SECTION I. *Be it enacted, &c.,* That the east half of lot one hun-

Pickens and Gordon.—Pierce and Wayne.—Polk and Cass.—Randolph and Calhoun.

Line between
Newton and
Jasper
changed.

Line between
Polk and Cass
changed.

dred and ten and the fractional lot of number one hundred and eleven in the ninth district of originally Henry county, be and the same is hereby added to the county of Newton.

24. SEC. II. *Be it further enacted*, That from and after the passage of this Act, that lot of land No. 1282, in 17th district, 3rd section of Cass county, be added to the county of Polk.

SEC. III. Repeals conflicting laws.

Assented to December 20th, 1860.

22. PICKENS AND GORDON.

(For Act to change line between, see Act No. 134, "To change the line between Lowndes and Echols," &c.)

23. PIERCE AND WAYNE.

Section 25. Line between Pierce and Wayne changed.

(No. 140.)

An Act to change the line between the counties of Pierce and Wayne so as to inlude the balance of lot of land whereon Russell Rawlerson now lives, in Pierce county.

Line between
Pierce and
Wayne
changed.

SECTION. I. *Be it enacted*, &c., That the line between the counties of Pierce and Wayne be so changed as hereafter to run round the balance of lot of land number 279, in the 9th District of originally Applying now Wayne county, that is not now in Pierce county, whereon the residence of Russell Rawlerson is situated so as to include said part of lot of land and residence in the county of Pierce.

SEC. II. All laws and parts of laws to the contrary notwithstanding.

Assented to December 6th, 1860.

24. POLK AND CASS.

(For Act to change line between, see Act No. 139, "To change the line between Newton and Jasper," &c.)

25. RANDOLPH AND CALHOUN.

Section 26. Line between Randolph and Calhoun changed.
" 27. Line between Stewart and Quitman changed.
" 28. Line between Irwin and Wilcox changed.
" 29. Line between Dooly and Pulaski changed.

Section 30. Line between Gilmer and Fannin changed.
" 31. Line between Lumpkin and White counties changed—Proviso.
" 32. Line between Stewart and Quitman changed.
" 33. Line between Telfair and Pulaski changed.

(No. 141.)

An Act to change the lines between certain counties therein mentioned, and for other purposes.

26. SECTION I. *The General Assembly of the State of Georgia do enact*, That lots of land number (77) seventy-seven and (114) one

Stewart and Quitman—Dooly and Pulaski—Lumpkin and White.

hundred and fourteen, and the west half of (115) one hundred and fifteen, of the fourth district of originally Lee, now Randolph county, be added to the county of Calhoun.

Line between
Randolph and
Calhoun
changed.

27. SEC. II. *Be it further enacted*, That the county line between the counties of Stewart and Quitman be so changed as to include within the limits of the county of Stewart lots of land numbers (90) ninety, (91) ninety-one, (106) one hundred and six, and (107) one hundred and seven, of the twenty-first district of originally Lee now Quitman county.

Line between
Stewart and
Quitman
changed.

28. SEC. III. *And be it further enacted*. That lots of land numbers (220) two hundred and twenty and (221) two hundred and twenty-one in the fourth district of Irwin, lands of George M. Wilcox; also lots numbers (197) one hundred and ninety-seven and (217) two hundred and seventeen, in the second district, Irwin county, lands of William Cravey, be attached to the county of Wilcox.

Line between
Irwin and
Wilcox
changed.

29. SEC. IV. *And be it further enacted*, That the line between the counties of Dooly and Pulaski be so changed as to include the fifth district of Dooly in the county of Pulaski.

Line between
Dooly and
Pulaski
changed.

30. SEC. V. *And be it further enacted*, That the line dividing the counties of Gilmer and Fannin be so changed as to add lot number (307) three hundred and seven, in the seventh district and second section, to the county of Fannin.

Line between
Gilmer and
Fannin
changed.

31. SEC. VI. *And be it further enacted*, That the line between the counties of Lumpkin and White be so changed as to run a line north and south through the first and fourth district of originally Habersham now Lumpkin county, so as to include four ranges of lots of said districts in the county of White; *Provided*, that this section shall not take effect until that portion of the present debt of Lumpkin county, for which the citizens and property cut off from said county is proportionally bound, according to the legal rate of taxation, is fully paid, it being the true intent and meaning of this section that said citizens and territory shall not be added to White county, until such proportional part of such debt is paid by said citizens or by said county of White.

Line between
Lumpkin and
White
changed.

Proviso.

32. SEC. VII. *And be it further enacted*, That the line between the counties of Stewart and Quitman be so changed as to include in the county of Quitman lots of land numbers (77) seventy-seven and (28) twenty-eight, also fifty acres of lot number (61) sixty-one, and fifty acres of lot number (62) sixty-two, now lying in the (21st) twenty-first district of Stewart, being the lands owned by James Ray, and on which he now resides.

Line between
Stewart and
Quitman
changed.

33. SEC. VIII. *And be it further enacted*, That lots of land numbers (124) one hundred and twenty-four, (117) one hundred and seventeen, in the fourteenth district of originally Wilkinson now Telfair, be added to the county of Pulaski, the said lands constituting the settlement of George W. Bowen.

Line between
Telfair and
Pulaski
changed.

Assented to, December 20th, 1860.

Stewart and Quitman.—Terrell and Webster.—Towns and Union.—Wayne and Glynn.

26. STEWART & QUITMAN.

(For Act to change the line between; See Act No. 141; "To change the line between counties therein mentioned.")

27. TELFAIR & PULASKI.

(For Act to change the line between; See Act No. 141, "To change the lines between certain counties therein mentioned.")

28. TERRELL AND WEBSTER.

Section 34. Line between Terrell and Webster changed.

(No. 142)

An Act to change the county line between the counties of Terrell and Webster.

Line between
Terrell and
Webster
changed.

34. SEC. I. *Be it enacted, &c.,* That from and after the passage of this Act, the county line between the counties of Terrell and Webster, be so changed so as to include lot of land No. 227, in the 18th District of Terrell county, now owned and occupied by Franklin Mulkey, into Webster county.

Sec. II. Repeals conflicting laws.

Assented to December 20th, 1860.

29. TOWNS AND UNION.

(For Act to change the line between, see Act No. 133, "To change the line between Jackson and Madison," &c.)

30. WAYNE AND GLYNN.

SECTION 35. Line between Wayne and Glynn changed.

SECTION 36. Persons named in this Act to have the privileges of citizens of Wayne county.

(No. 143.)

An Act to change the line between the counties of Wayne and Glynn, so as to include in the county of Wayne, the residences of certain persons therein named.

Line between
Wayne and
Glynn
changed.

35. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the line between the counties of Wayne and Glynn be so changed as to include in the county of Wayne, the residences of James M. Bryan, W. J. Burney, J. F. Chapman. A. A. Burney, William Burney, and Samuel Wright; and that the said line leave the St. Mary's road, the present line between said counties, at a post near the Buffalo Swamp, between the 13th and 14th mile post—and follow a line run by O. G. Keith, county Surveyor of the county of Wayne, including the residences of the above named persons, and returning to the St. Mary's road, at a post between the 9th and 10th mile posts, on said road.

Line to per-
sone a certain
course.

Persons
named in this
Act to have
the privileges
of citizens of
Wayne co.

36. SEC. II. *And be it further enacted,* That from and after the passage of this bill, all the rights and privileges of the citizens of the county of Wayne, be, and they are hereby immediately extended to the persons named in this Act.

Sec. III. Repeals conflicting laws.

Assented to December 17th, 1860.

TITLE VI.

COUNTY OFFICERS.

- | | |
|--|--|
| 1. Baker,
2. Banks,
3. Catoosa,
4. Clark,
5. Dade,
6. Echols,
7. Fulton, | 8. Jasper,
9. Milton,
10. Murray,
11. Muncogee,
12. Stewart,
13. Whitfield. |
|--|--|

1. BAKER.

SECTION 1. Infr. Court of Baker county to pay to the Tax Receiver of said county a per cent. on the county tax.

(No. 144.)

An Act to authorize the Justices of the Inferior Court of Baker county to pay to the Tax Receiver of said county a per centage for the county tax.

1. SECTION I. *Be it enacted, &c.,* That the Justices of the Inferior Court of the county of Baker be, and they are, hereby authorized and required to pay to the Tax Receiver of Baker county such per centage on the county tax as in their judgment will be just and proper, and that this Act apply to the present year.

Infr. Court
of Baker co.
to pay Tax
Receiver of
said co. a per
cent on the
co. Tax.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

2. BANKS.

SECTION 1. Sheriff of Banks Co. to receive \$20 out of the county treasury. " 2. Sh'ff of Milton county to receive \$10 for summoning G. & P. Jurors. " 3. Sh'ff of Whitfield Co. to receive \$20 for summoning G. & P. Jurors.	SECTION 4. Sh'ff and Dept. Sh'ff of Fulton Co. to be compensated for attendance on Superior Court. " 5. Sh'ff of Murray to receive \$40 from the county treasury.
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(No. 145.)

An Act to compensate the Sheriffs of the counties of Banks, Milton and Whitfield for making out and summoning Jurors, to compensate the Sheriff and Deputy Sheriff of Fulton county, and to pay the Sheriff of Murray county forty dollars.

2. SECTION I. *Be it enacted, &c.,* That, from and after the passage of this Act, the Sheriff of Banks county shall be entitled to and shall receive as a remuneration for such service the sum of twenty dollars for each Court. to be paid out of any money in the county treasury, by the treasurer, not otherwise appropriated.

Sheriff of
Banks co. to
receive \$20
out of the co.
Treasury.

3. SEC. II. *Be it further enacted,* That the Sheriff of the county of Milton shall receive the sum of ten dollars for summoning the Grand and Petit Jurors at each term of the Superior Court of said county, to be paid by the county treasurer out of any funds that may be in his hands.

Sheriff of
Milton co. to
receive \$10
for summon-
ing G. and P.
Jurors.

Clark—Catoosa.

Sheriff of
Whitfield co.
to receive
\$20 for sum-
moning G.
and P. Jurors.

4. SEC. III. *Be it further enacted*, That the Sheriff of the county of Whitfield be entitled to the sum of twenty dollars for summoning Grand and Petit Jurors, to be paid out of any moneys in the county treasury not otherwise appropriated.

Sheriff and
Dept. Sheriff
of Fulton co.
to be compensated
for attendance on
Sup. Court.

5. SEC. IV. *Be it further enacted*, That the Judge of the Superior Court of Fulton county be, and he is, hereby authorized and empowered to pass an order, at each and every term of said Court, directing the treasurer of said county of Fulton to pay to said Sheriff and Deputy Sheriff out of the treasury of said county such sums of money as the said Judge may deem right and proper, as a compensation for their services in attending upon and serving at each and every term of said Court.

Sheriff of
Murray to re-
ceive \$40
from the co.
Treasury.

6. SEC. V. *Be it further enacted*, That the Sheriff of Murray county be, and he is, hereby entitled to forty dollars, to be drawn from the county treasury, upon the presentation of a certificate of the presiding Judge of the Circuit.

SEC. VI. Repeals conflicting laws.

Assented to December 20th, 1860.

3. CLARK.

SEC. 7. T. R. of Clark to receive five per cent. on all amounts received by him.

(No. 146.)

An Act to compensate the Tax Receiver of Clark county for services rendered.

T. R. of Clark
co. to receive
5 per cent. on
all amts. re-
ceived by
him.

7. SEC. I. *Be it enacted, &c.*, That, from and after the passage of this Act, the Tax Receiver of Clark county do receive five per cent. on all amounts received by him as tax returns for county purposes, assessed by the Inferior Court of said county, in proportion with the Tax Collector of said county.

SEC. II. Repeals conflicting laws.

Assented to December 1st, 1860.

4. CATOOSA.

SEC. 8. Offices of T. R. & T. C., in the county of Catoosa, consolidated.

" 9. Tax Collector to pay over all moneys with charge or commissions.

SEC. 10. T. R. & T. C. of Muscogee county to receive 5 per cent. on all amts collected, whenever the State Tax shall not exceed \$20,000.

" 11. Infr. Court of Muscogee county to levy and collect an extra tax to compensate G. and P. Jurors.

(No. 147.)

An Act to consolidate the offices of Tax Collector and Receiver of Tax Returns in the county of Catoosa, and to compensate the officers of Receiver and Tax Collector of Muscogee county, and to authorize the Inferior Court of Muscogee county to levy an extra tax to pay Grand and Petit Jurors, and for other purposes.

Offices of T.
R. and T. C.
in the county

8. SECTION I. *The General Assembly do enact*, That the offices of Tax Collector and Receiver of Tax Returns in and for the county

Dade—Echols.

of Catoosa be, and the same are, hereby consolidated, and one person is hereby authorized to discharge the duties of both offices.

9. SEC. II. *Be it further enacted*, That the Tax Collector of said county of Catoosa shall collect and pay over the county tax of said county free of charge or commission, any and all laws, customs or usages to the contrary notwithstanding.

10. SEC. III. *And be it further enacted*, That the Receiver and Collector of Taxes for the county of Muscogee be allowed five per cent. commissions, whenever the amount of the State tax received and collected in said county shall not exceed the sum of twenty thousand dollars, any law to the contrary notwithstanding.

11. SEC. IV. *Be it further enacted*, That it shall be obligatory, after the passage of this Act, upon the Justices of the Inferior Court of Muscogee county, annually to levy and have collected in the usual way an extra tax, sufficient in the future to pay Grand and Petit Jurors of said county a reasonable compensation, to be determined by the presiding officer of the Superior Court of said county, and that, in levying the next tax for said county, an extra tax be also raised sufficient to pay the Grand and Petit Jurors of the last November term of the Superior Court a reasonable compensation, to be determined as aforesaid.

Assented to December 20th, 1860.

5. DADE.

12. Offices of T. R. T. C. of Dade county consolidated,

(No. 148.)

An Act to consolidate the offices of Tax Receiver and Collector for the county of Dade.

12. SEC. I. *Be it enacted*, That from and after the passage of this Act, the offices of Tax Receiver and Collector, for the county of Dade, be, and the same are hereby consolidated.

SEC. II. Repeals conflicting laws.

Assented to December 1, 1860.

6. ECHOLS.

13. Offices of the T. R. and T. C. in the county of Echols consolidated.

(No. 149.)

An Act to consolidate the offices of Tax Collector and Receiver of Tax Returns of the county of Echols.

13. SECTION I. *The General Assembly of the State of Georgia, do enact*, That from and after the passage of this Act, the offices of Tax Collector and Receiver of Tax Returns, in, and for the county of Echols, in this State, shall be consolidated, and shall be held by one and the same person.

SEC. II. Repeals conflicting laws.

Assented to December 19th, 1860.

7. FULTON.

(For Act to compensate the Sheriff and Deputy Sheriff, of see Act No. 145 "To compensate the Sheriffs of Banks, Milton, &c.

8. JASPER.

14. Thos. Dillard authorized to act as Clerk of the Inferior Court of Jasper county until his successor is elected and qualified.

(No. 150.)

An Act to authorize the Clerk of the Inferior Court of Jasper county, appointed by the Justices of said courts, to fill the vacancy occasioned by the death of James E. Shropshire, late Clerk, of said court, and to hold said office and discharge the duties thereof, until his successor is elected and qualified, in January next.

Preamble.

WHEREAS, A vacancy lately occurred in the office of Clerk of the Inferior Court of Jasper county, by the death of James E. Shropshire, the Clerk elect of said county; and *whereas*, the Justices of the Inferior Court of said county, as directed by law, appointed Thomas Dillard of said county, to fill said vacancy; and *whereas*, it is desirable that no election be held to fill said vacancy until January next.

Thos. Dillard authorized to act as Clerk of Inf. Court of Jasper co. until his successor is elected and qualified.

Be it therefore enacted, That Thomas Dillard the Clerk appointed by the Justices aforesaid, to fill said vacancy, be, and he is hereby authorized to discharge all and singular the duties of said office, under said appointment, until his successor shall be elected and qualified, at an election to be held in January next, and all the official Acts as Clerk of said court of the said Thomas Dillard, shall be as legal and binding upon all parties interested, as though he had been the regular elected and qualified Clerk of said court.

Assented to December 1st, 1860.

9. MILTON.

(For Act to compensate Sheriff of, see Act No. 145, "to compensate the Sheriffs of Banks," &c.)

10. MURRAY.

(For Act to compensate Sheriff of, see Act No. 145, "to compensate the Sheriffs of Banks," &c.)

11. MUSCOGEE.

(For Act to compensate T. R. and T. C. of Muscogee, see Act No. 147, "to consolidate the offices of Tax Collector and Receiver of Tax Returns in the county of Catoosa," &c.)

12. STEWART.

Sec. 15. Francis M. Pearce authorized to collect Taxes in Stewart County. | Sec. 16. And allowed until Jan. 20th next, to make his settlement with the Comptroller General.

(No. 151.)

An Act to confer certain powers and privileges on the Tax Collector and tax payers of Stewart county, and for other purposes.

WHEREAS, William Williams, Tax Collector, for the county of Stewart, has by the consent of the securities on his bond as said Tax Collector, appointed Francis M. Pierce of said county, as his agent, to collect the State and county tax within said county, and said Francis M. Pierce, is proceeding to collect the same therefore.

Preamble.

15. SECTION I. *Be it enacted, &c.,* That the tax payers of the said county of Stewart, are hereby authorized to pay their State and county tax to the said Francis M. Pierce, and his receipt for the same shall be as good and valid as if said receipt had been given by the said William Williams, *provided however,* that the securities to the bond of said Tax Collector shall not be released to any extent whatever from their liability as such securities.

Francis M. Pierce authorized to collect taxes in Stewart co.

16. SEC. II. *Be it further enacted,* That the said William Williams and Francis M. Pierce, shall have time until the twentieth day of January next, to make their final settlement with the Comptroller General of this State, any law usage or custom to the contrary notwithstanding.

And allowed until Jan. 20, next, to make his settlement with the Comp. Gen'l.

Assented to December 20th, 1860.

13. WHITFIELD.

(For Act to compensate the Sheriff of, see Act No. 145, "to compensate the Sheriffs of Banks" &c.)

TITLE VII.

COUNTY REGULATIONS.

1. Bryan County.	18. Henry County,
2. Burke “	19. Irwin “
3. Camden “	20. McIntosh “
4. Catoosa, “	21. Murray “
5. Charlton “	22. Pickens “
6. Columbia “	23. Rabun “
7. Dade “	24. Stewart “
8. Dawson “	25. Taliaferro “
9. Decatur “	26. Tattnull “
10. Emanuel “	27. Thomas “
11. Fannin, “	28. Upson “
12. Franklin “	29. Union “
13. Fulton “	30. Walker “
14. Gilmer “	31. Washington “
15. Glynn “	32. Webster “
16. Greene “	33. Wilcox “
17. Habersham “	

1. BRYAN COUNTY.

(For Act to protect citizens of, see Act No. 154, “For the protection of the citizens of Camden,” &c.)

2. BURKE COUNTY.

Section 1. All licenses to retail spirituous liquors in Burke and Columbia counties must specify the Militia Districts—The same not to be legal unless so drawn	Section 4. After June 1, 1861, it is made unlawful for any non-resident to camp hunt in Burke county.
“ 2. Each applicant for license must have been a resident of the county for at least six months. He must pay \$5.00 for each District in which he intends to retail, and give separate bonds.	“ 5. Violation of 1st section made a misdemeanor—First offence fine of \$50, second \$100.
“ 3. In case a majority of the voters of any District petition against the license, then no license shall issue until the counter petition of a majority is filed.	“ 6. Not to apply to any one who may be lodged with or accompanied by a citizen of the county.

(No. 152.)

An Act to regulate the granting of retail licenses in the counties of Burke and Columbia, and for other purposes therein mentioned.

1. SECTION I. *The General Assembly enact as follows:* Every license granted on or after the first day of January next to retail spirituous liquors in the county of Burke or Columbia, shall, in addition to what is now required by law, state the militia district or districts in which the applicant intends to retail; any two or more districts may be included in the same license. No license granted after said day for either of said counties, not mentioning such district or districts, shall be held to be valid in any court of law or equity in this State. And when any person may be prosecuted

All licenses to retail spirituous liquors in Burke and Columbia counties must specify the Militia districts.

The same not to be legal unless so drawn.

Burke.

for keeping a tippling shop, or retailing spirituous liquors without license in either of said counties, no license granted after the day aforesaid shall be held to be sufficient to protect the offender from the penalty of the law, unless it shall include the militia district in which the offence is proven to have been committed.

2. SEC. II. The applicant must be a citizen of this State, and a resident of the county in which he intends to retail, for at least six months previous to his application; he shall pay to the County Treasurer or other officer having charge of the county funds, the sum of five dollars for each district in which he intends to retail, and the certificate of such officer shall specify the actual sum so paid. The applicant shall also pay the usual fees to the Clerk of the Inferior Court, and give the bond now required by law; but there shall be a separate bond for each militia district named in the license.

Each applicant for license must have been a resident of the county for at least six months.

He shall pay \$5.00 for each District in which he intends to retail, and give separate bonds.

3. SEC. III. If a majority of the voters in any of the said militia districts shall sign a petition to the Inferior Court of their county, requesting that no license be granted for their district, and if the said petition so signed be filed in the Clerk's Office of said Court, then no license shall be granted for said district, until there shall be filed in said office, a counter petition signed by a majority of the voters in the same district, requesting that license shall be granted for said district; in either case, the names of the voters so signed, and the fact of there being a majority, shall be determined by reference by the Clerk to the Tax Digest of said county for the year next preceding the filing of said petition.

In case a majority of the voters of any District petition against the license, then no license shall issue, until a counter petition of a majority is filed.

Sec. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

(No. 153.)

An Act to prevent and punish Camp Hunting in Burke county by non-residents.

4. SECTION I. *Be it enacted, &c.,* That from and after the first day of June, eighteen hundred and sixty-one, it shall not be lawful for any non-resident of the county of Burke to camp out and hunt deer, or any other species of game, within the limits of said county.

After June 1, 1861, unlawful for any non-resident to Camp Hunt, in Burke co. Violation of 1st Sec. made a misdemeanor.

5. SEC. II. *Be it further enacted,* That any person who may violate the provisions of the first section of this Act, shall be guilty of a misdemeanor, and shall be proceeded against according to the statutes relative to misdemeanors, and upon proof and conviction of said offence, shall be fined for the first offence the sum of fifty dollars, and for every subsequent violation shall be fined the sum of one hundred dollars, or imprisoned at the discretion of the Court, and half of said fine shall be paid to the informer.

First offence fine of \$50, second offence \$100.

6. SEC. III. *Be it further enacted,* That the provisions of this Act shall not apply to any non-resident who may be lodged with, or accompanied by any citizen of said county in hunting deer, or any other kind of game.

Not to apply to any one who may be lodged with or accompanied by a citizen of the county.

Assented to December 6th, 1860.

3. CAMDEN COUNTY.

Section 7. After the 1st day of March next, no Captain, &c., of any vessel shall bring any free person of color from any of the non-slaveholding States into the counties of Bryan, McIntosh and Glynn—Under penalty of \$100 for each negro.

Section 8. Penalty may be collected in any Court in a summary manner.

(154.)

An Act for the protection of the citizens of Camden, Bryan, McIntosh and Glynn counties.

No captain, &c., of any vessel shall bring any free person of color, from any of the non-slaveholding States into the counties of Camden, Bryan, McIntosh and Glynn. Under penalty of \$100 for each negro.

Penalty may be collected in any Court in a summary manner.

7. SECTION I. *Be it enacted, &c.*, That from and after the first day of March next, no captain, owner, or other person having the control of any vessel, steamer, or other water-craft, belonging to or coming from any non-slaveholding State, shall bring into any harbor, river, bay, or creek within the limits of the counties of Camden, Bryan, McIntosh and Glynn, any free negro in any capacity whatever, under the penalty of one hundred dollars for each free negro brought in said counties as aforesaid.

8. SEC. II. *And be it further enacted by the authority aforesaid*, That the penalties imposed by this Act, may be recovered before any Court of said counties in a summary manner, and the said penalties, if recovered in a Corporation Court, shall inure to the benefit of said corporation, otherwise to the benefit of the counties aforesaid.

Sec. III. Repeals conflicting laws.

Assented to December 19th, 1860.

4. CATOOSA COUNTY.

Section 9. Fees of Juries in the counties of Ca-

10. The Clerks of the respective Courts shall lay before the Grand Juries a list of confessions and verdicts entered on the books.

Section 11. The Sheriff of Dade county to receive \$20 per term for summoning G. & P. Jurors for Superior Court—Also \$10 per term for summoning Jurors for Inferior Court.

12. An Act to regulate the fees of Jurors in Justices' Courts in Catoosa and Dade counties, amended so far as relates to Catoosa county.

(No. 155.)

An Act to regulate and prescribe the fees of Juries in civil cases so far as relates to the counties of Catoosa and Dade, and for other purposes.

Fees of Juries in the counties of Catoosa and Dade regulated.

9. SECTION I. *Be it enacted, &c.*, That hereafter in the counties of Catoosa and Dade, the fees of Juries in civil cases, shall be as follows: For each confession of judgment two dollars; for each verdict rendered four dollars; which said respective fees shall be paid directly to the Jury rendering the verdict, or to the Foreman of the Grand Jury; if the confession be in an appeal or equity cause, or in a case that is on the common law docket, then to the Fore-

man of the Petit Jury, and in no case shall the Clerk enter the said verdict or confession on the minutes of the Court until said fee is paid; and further, it is provided that the party prevailing shall pay the Jury fee or confession.

10. SEC. II. *Be it further enacted*, That the Clerks of the respective Courts in said counties shall make out and lay before the Grand Juries in said counties a complete list of all the verdicts and confessions recorded in their respective Courts, on the first day of the meeting of the said Grand Juries.

The Clerks of the Courts shall lay before the Grand Juries a list of confessions and verdicts entered on their books. The Sheriff of Dade county to receive \$20 for summoning G. & P. Jurors, for Sup. Court.

Also \$10 per term for summoning Jurors for Inf'r. Court.

11. SEC. III. *Be it further enacted*, That from and after the passage of this Act, the Sheriff of Dade county shall be entitled to receive from the Treasurer of said county, the sum of twenty dollars for summoning the Grand and Petit Jurors for each term of the Superior Courts of said county; this service is to include all tales Jurors summoned for each term; and the sum of ten dollars for summoning Jurors for each term of the Inferior Courts of said county.

SEC. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

(No. 156.)

*An Act to amend an Act entitled an Act, to regulate the fees of jurors in Justice Courts in the counties of Catoosa and Dade, so far as the same relates to the county of Catoosa. **

12. SECTION I. *Be it enacted*, That so much of the above recited Act as relates to paying jurors in Justice Courts in the county of Catoosa, be, and the same are hereby repealed, and that the jury shall for each cause tried by them, receive fifty cents to be paid by the prevailing party.

An Act to regulate the fees of Jurors in Justice Ct's. in Catoosa and Dade co's, amended so far as relates to Catoosa co.

Assented to December 20th, 1860.

* See Act 1859, pamp. p. 287.

5. CHARLTON COUNTY.

Section 13, Act of 19th Dec. 1859, to protect the possession of lands in the county of Charlton extended.

(No. 157.)

An Act to amend an Act passed on the 19th of December 1859, to protect the possession of lands of actual residents of the county of Charlton, and for other purposes.*

13. SECTION I. *Be it enacted*, &c., That the above recited Act be, and the same is hereby amended, so as to extend the provisions of the same to any person who may be guilty of cutting ranging timber upon the lands described in said bill.

Act of 19th Dec. 1859, to protect the possession of lands in the county of Charlton extended.

SEC. II. Repeals conflicting laws.

Assented to Dec. 19th, 1860.

* See Act of 1859, pamp. p. 287.

6. COLUMBIA COUNTY.

(For Act to regulate the granting of licenses to retail spirituous liquors, see Act No. 151, "to regulate the retail of spirituous liquors in the counties of Burke," &c.)

7. DADE COUNTY.

(For Act to regulate the fees of jurors in Justices Courts in, see Act No. 156, "to amend an Act entitled an Act to regulate the fees of jurors in Justices Courts in the counties of Catoosa," &c.) See also Act No. 159, "to compel non-residents of the counties of Emanuel and Dade, owning stock cattle in said counties to pay taxes for the same in said counties.")

8. DECATUR COUNTY.

Sec. 14 J. J. in each Militia District in Decatur, Greene and Gilmer, shall receive \$4 for returning lists of poor children.

(No. 15S.)

An Act to compensate Justices of the Peace in the counties of Decatur, Greene and Gilmer, for making out and returning lists of poor children to the Ordinaries of said counties.

J. P. in each Militia District in Decatur, Greene, and Gilmer, shall receive \$4 for returning lists of poor children.

14. SECTION I. *Be it enacted, &c.*, That the Justices in the several Militia Districts of said counties shall be entitled to, and receive from the county Treasurers of said counties of Decatur, Greene and Gilmer, four dollars, for making out and returning lists of poor children to the Ordinaries of said counties.

SEC. II. Repeals conflicting laws.

Assented to Dec. 20th, 1860.

9. EMANUEL COUNTY.

Sec. 15. Non-residents of the counties of Emanuel and Dade grazing stock-cattle in said counties.

" 16. In case of neglect or refusal, the T.C. to double tax the same.

" 17. Not to apply to cattle kept for the use of the family of any one, temporarily residing in said counties.

Sec. 18. Officers of elections in Emanuel to receive \$1.00 per day for their services.

" 19. Petit Jurors in said county to receive \$1.00 per day for their services.

" 20. The usual Jury fees to be paid over to the Clerk and to constitute part of a Jury fund.

(No. 159.)

An Act to compel non-residents of the counties of Emanuel and Dade, owning, penning and grazing stock cattle in said counties, to return and pay taxes on the same in said counties.

Non-residents of the counties of Emanuel and Dade, owning and grazing stock-cattle in said

15. SECTION I. *Be it enacted, &c.*, That from and after the passage of this act, it shall be the duty of all persons, non-residents of the counties of Emanuel and Dade, who own, pen,

Fulton.

or graze stock cattle in said counties of Emanuel and Dade, to return and pay taxes upon said stock cattle, in said counties.

16. SEC. II. *Be it further enacted*, should the owner of such stock refuse or neglect to comply with the provisions of this Act, it shall be the duty of the Receiver of Tax returns in said counties, to double-tax said stock, which tax shall be collected as in all other cases of default.

17. SEC. III. *Be it further enacted*, This Act shall not be held to extend to any cattle which non-residents may have or keep in said counties for the use and comfort of their families while residing temporarily in said counties.

SEC. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

counties to return and pay tax on the same in said counties. In case of neglect or refusal, the T. C. is to double tax the same.

Not to apply to cattle kept for the use of the family of any one temporarily residing in said counties.

(No. 160.)

An Act to compensate officers and Freeholders for their services for holding general elections and county elections in the county of Emanuel, also to compensate Petit Jurors in said county.

18. SECTION 1. *The General Assembly do enact*, That from and after the passage of this act, that the officers and free-holders necessary to hold the elections in the county of Emanuel, shall receive for their services one dollar per day each, to be paid by the county Treasurer, on his being satisfied that the service was performed by said applicants.

Officers of elections in Emanuel to receive \$1 per day for their services.

19. SEC. II. *And be it enacted by the authority aforesaid*, That each Petit Juror which is empaneled and sworn, shall receive for his services one dollar per day, to be paid by the county Treasurer.

Petit Jurors in said county \$1 per day for their services.

20. SEC. III. *And be it further enacted*, That all monies which may be due to said jurors for verdicts rendered, shall be paid over to the Clerk of the Superior Court, and by him to the county Treasury, and become a part of said jury fund.

The usual Jury fees to be paid over to the Clerk, and to constitute part of a Jury fund.

SEC. IV. Repeals conflicting laws.

Assented to December 8th, 1860.

10. FULTON COUNTY.

Sec. 21. No person shall carry away any wood or timber from the land of another in Fulton county without the consent of the owner.

Sec. 22. Any one so doing, guilty of a misdemeanor, punishable by fine and imprisonment, or both, proviso.

(No. 161.)

An Act to punish the taking and carrying away the wood or timber from the lands of another in the county of Fulton, and for other purposes.

21. SECTION I. *The Legislature hereby enacts*, That from and after the passage of this Act, no person shall in the county of Fulton in this State, take or carry away any wood or timber from the lands of another, without the consent of the owner of such land.

22. SEC. II. *And it is hereby further enacted*, That any person who shall violate the provisions of the first section of this Act, shall be guilty of a misdemeanor, and on conviction thereof, shall be pun-

No person shall carry away any wood or timber from the land of another in Fulton co., without the consent of the owner. Any one so doing guilty of a misdemeanor.

Punishable by fine and imprisonment, or both, at the discretion of the court.

Provided.

that nothing in this Act shall apply to movers or travelers, or to persons going to, and returning from market, and taking and using wood or timber for camp-fires or for repairing accidents to wagons or other vehicles.

Assented to December 7th, 1860.

11. GILMER COUNTY.

(See Act No. 158, "to compensate Justices of the Peace in the counties of Decatur, Greene and Gilmer, for making out and returning lists of poor children to the Ordinaries of said counties.")

12. GLYNN COUNTY.

(For Act to protect the citizens of, see Act No. 154, "For the protection of the citizens of Camden," &c.)

13. GREENE COUNTY.

(For Act in relation to the retail of spirituous liquors in, see Act No. 166 "An Act the better to regulate the liquor traffic in the counties of Talliaferro," &c., see also Act No. 158, "to compensate Justices of the Peace in the counties of Decatur, Greene and Gilmer, for making out and returning lists of poor children to the Ordinaries of said counties.")

14. HABERSHAM COUNTY.

Section. 23. Act of Dec. 29th, 1847, in relation to Habersham and Rabun counties repealed.

(No. 162.)

An Act to repeal an Act, approved Dec. 29th, 1847, entitled "an Act to [repeal an Act entitled an Act] to authorize the Justices of the Inferior Courts of the several counties in this State, to create and lay out any new districts, or to change and alter the lines of those already laid out, assented to 23d Dec. 1839, so far as relates to the counties of Habersham and Rabun." †*

Act of Dec. 23, 1847, in relation to Habersham and Rabun counties repealed.

23. SECTION I. *Be it enacted*, That the above recited Act approved the 29th day of December, 1847, be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

* Pamp. Acts of 1847, 233.

† Parts of the unlocated territory added to Rabun, 1828, vol. 4. 140.

15. HENRY COUNTY.

(For Act in relation to the retail of spirituous liquors in, see Act No. 166, "an Act the better to regulate the liquor traffic in the counties of Taliaferro," &c.)

(See also, Act No. 166, "to compel guardians or employers of free negroes in the counties of Walker, Thomas, Henry and Upson to have said free negroes reside on the premises of said guardians or employers," &c.)

16. IRWIN COUNTY.

Sec. 24. Non-residents of Irwin county owning cattle therein, relieved from the payment of extra tax.

(No. 163.)

*An Act to repeal an Act, so far as relates to taxing cattle of non-residents, five cents per head above the cattle of residents of the county of Irwin.**

24. SECTION I. *Be it enacted &c.*, That from and after the passage of this Act, non-residents who may own cattle in the county of Irwin, shall not be required to pay any extra tax upon the same, but shall pay only such tax as is required of citizens of said county.

Non-residents of Irwin co. owning cattle therein relieved from the payment of extra tax.

SEC. II. Repeals conflicting laws.

Assented to Dec. 10th, 1860.

* See Acts of 1859, pamp. p. 297.

17. MCINTOSH COUNTY.

(For Act to protect the citizens of, see Act No. 154, "To protect the citizens of the counties of Camden, &c.")

18. MURRAY COUNTY.

SEC. 25. No person shall sell spirituous liquors on days of elections in Murray Co.
" 26. Not to apply to those who have heretofore obtained license for 1861.

SEC. 27. Any person who violates this Act shall be punished by a fine of not less than \$100, nor more than \$1000, or imprisonment in jail, not less than one nor more than six months.

(No. 164.)

An Act to suppress the use of intoxicating liquors at elections in the county of Murray.

WHEREAS, many grave and serious evils attend the too free use of intoxicating liquors on election days, for the removal of the cause, and to prevent the recurrence of those evils, Preamble.

25. SECTION I. *Be it enacted, &c.*, That no person shall dispose of, by sale, or otherwise, any intoxicating liquors as a beverage, on days of elections, in any house, shop or saloon where liquors are kept and vended, or at any election grounds or precinct, or place of public gathering whatever in the county of Murray.

No person shall sell spirituous liquors on days of elections in Murray Co.

Not to apply to those who have heretofore obtained license for 1861.

Any person who violates this Act shall be punished by a fine of not less than \$100 nor more than \$1,000. In imprisonment in jail not less than one nor more than six months.

26. SEC. II. *Be it further enacted*, This Act shall not apply to any person or persons until the license they hold for the present year, or shall have obtained for the year eighteen hundred and sixty one, (1861,) shall expire.

27. SEC. III. *Be it further enacted*, That all persons who violate the provisions of this Act shall, upon conviction, be fined in a sum of not less than one hundred nor more than one thousand dollars, or imprisoned in the county jail, at the discretion of the Court, for a term of not less than one month, nor exceeding six.

SEC. IV. Repeals conflicting laws.

Assented to December 17th, 1860.

19. PICKENS COUNTY.

SEC. 28. Betting money at "Crack aloo," &c., in Pickens Co. a misdemeanor, punishable by fine and imprisonment.

(No. 165.)

An Act to add another section to the Penal Code, so far as relates to the county of Pickens.

Betting money at "Crackaloo," &c., in Pickens county, a misdemeanor, or. Punishable by a fine of not more than \$25 and imprisonment not more than ten days.

28. SECTION I. *Be it enacted*, &c., That, from and after the passage of this Act, if any person in the county of Pickens shall throw and bet money on any game of "Crack aloo," or game of like character, such person shall be guilty of a misdemeanor, and, on indictment and conviction thereof, shall be punished by fine of not more than twenty-five dollars, or imprisonment in the common jail of the county of not more than ten days.

Assented to December 17th, 1860.

20. RABUN COUNTY.

(See Act No. 162, "To repeal an Act, approved December 29th, 1847," in relation to Militia Districts in the counties of Habersham and Rabun.)

21. TALIAFERRO COUNTY.

SEC. 29. Regulates the granting of license to retail spirituous liquors in the counties of Taliaferro, Greene, Washington and Henry.

" 30. The bond to be filed in the office of Clerk of the Infr. Court.

" 31. The applicant to pay \$1 for receiving and \$1 for recording his bond, and not less than \$5 nor more than \$100 for license.

SEC. 32. This Act not to interfere with existing laws as to the sale of liquors manufactured by the seller.

" 33. To take effect Jan 1, 1861. Duty of Judge of Supr. Court to give it in charge to Grand Jury.

(No. 166.)

An Act the better to regulate the liquor traffic in the counties of Taliaferro, Greene, Washington and Henry, and for other purposes.

29. SECTION I. *The General Assembly do enact*, That, on and after the first day of January, eighteen hundred and sixty-one, all per-

Taliaferro.

sons desiring to obtain license to sell spirituous liquors in the counties of Taliaferro, Greene, Washington and Henry, shall make application in writing by petition to the Inferior Courts of said counties, and shall furnish on each application, annually thereafter, to said Courts, satisfactory evidence of good moral character for industry, sobriety and integrity, and shall give bond with good and sufficient security, to be judged of by said Courts, in the sum of one thousand dollars, conditioned not to sell or furnish any spirituous liquors to any slave or free person of color, or minor under the age of twenty-one years, without the written consent of the master of the slave, or the guardian of the free person of color, or the father or guardian of such minor; which bond shall be payable to the Inferior Court, and filed in the office of their Clerks, and license shall not then issue until the applicant for the same has exhibited to the Court the petition of a majority of the legal voters living within three miles, being the usually travelled route from the localities where the privilege is intended to be used, setting forth the place at which they intend or wish the license to be used, and the particular quantity or quantities in which they wish the applicant to have license to sell; and any person who shall sell spirituous liquors in said counties without license thus obtained, or shall sell in less or greater quantities than are expressed in his license, shall be guilty of a misdemeanor, and shall be punished as now provided in the Penal Code of this State for retailing without license.

Regulates the granting of license to retail spirituous liquors in the counties of Taliaferro, Greene, Washington, and Henry.

Petition to be signed by a majority of the legal voters residing within three miles of the proposed place of retailing.

30. SEC. II. The bond required by this Act shall be filed in the office of the Inferior Court of said counties before license shall issue; and, in case any master of a slave, or father or guardian of a minor, or guardian of a free person of color, shall represent to the Clerk of said Court that said bond has been violated in the person of his slave, or son, or ward, it shall be the duty of the Clerk of said Court to furnish the master, father or guardian with a certified copy of the bond, whereon suit may be brought in the name of the Inferior Court for the use of the party aggrieved, and said party shall recover, upon proof of the violation of the bond, such damages as the jury may believe right, but not less than twenty-five dollars, for every act proven of violation, with the cost of suit.

The bond to be filed in the office of the Clerk of the Inf. Court.

The party aggrieved may sue upon said bond and recover damages.

31. SEC. III. And the applicant shall, in all cases, before the application is submitted to the Court, pay the Clerk of the Court one dollar for receiving and filing his application, and one dollar for recording and filing his bond, into the county treasury, and not less than five dollars nor more than one hundred dollars, in the discretion of the Court, if license is granted.

The applicant to pay \$1 for receiving and \$1 for recording his bond, and not less than \$5 nor more than \$100 for license.

32. SEC. IV. This Act shall not be so construed as to interfere with the sale of any spirituous liquors manufactured by any citizen in said counties, nor so construed as to repeal any existing statute which regulates the sale of liquors manufactured by the seller.

This Act not to interfere with existing laws as to the sale of liquors manufactured by the seller.

33. SEC. V. This Act shall take effect immediately after the first day of January, eighteen hundred and sixty-one, and it shall

To take effect Jan. 1, 1861.

be the duty of the Judge of the Superior Court, for said counties, to call the attention of the Grand Jury especially to the provisions of this Act.

SEC. VI. All laws conflicting with this Act are hereby repealed.

Assented to December 12th, 1860.

22. TATTNALL COUNTY.

SEC. 34. No person shall obstruct the free navigation of Pendleton Creek, in Tattnall county. Any one so doing guilty of a misdemeanor.

(No. 167.)

An Act to punish persons for obstructing the navigation of Pendleton Creek, in the county of Tattnall, from the line of Emanuel county to the mouth of said creek, in Tattnall county.

No person shall obstruct the free passage of Pendleton Creek, in Tattnall county. Any person so doing guilty of a misdemeanor.

34. SECTION I. *Be it enacted, &c.,* That, if any person or persons shall hereafter erect any dam, or place any obstruction in or across Pendleton Creek, from the line of Emanuel county to the mouth of said creek, in Tattnall county, so as to prevent the free navigation or passage of boats, or rafts of timber, such person or persons so offending shall be deemed guilty of a misdemeanor, and, on conviction, shall be fined or imprisoned, or both, at the discretion of the Court.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

23. THOMAS COUNTY.

(See Act No. 169, "To compel guardians or employers of free negroes, in the counties of Walker, Thomas, Henry and Upson, to have said free negroes reside on the premises of said guardian or employer, &c.")

24. UPSON COUNTY.

(See Act No. 169, "To compel guardians or employers of free negroes," &c.)

25. UNION COUNTY.

SEC. 35. Any person obstructing the waters of Notley River, in Union county, shall be guilty of a misdemeanor.

SEC. 36. Not to prevent the construction of mill-dams or fish-dams, where there flood-gates, &c.

(No. 168.)

An Act to prevent the obstruction of the waters of Notley River, in the county of Union.

Any person obstructing the waters of Notley River, in Union Co. shall be guilty of a misdemeanor.

35. SECTION I. *Be it enacted, &c.,* That, from and after the passage of this Act, any person or persons cutting or felling timber, or rolling logs or rocks, or otherwise obstructing the waters of Notley River, in the county of Union, shall be guilty of a misdemeanor, and it shall be the duty of the Grand Jury to present any person or persons guilty of the above offence, and upon conviction

Walker.

thereof shall be fined in a sum not less than ten dollars nor more than fifty dollars, or imprisoned in the common jail of said county not less than seven nor more than thirty days.

36. SEC. II. *And be it further enacted*, That nothing in this Act shall be construed to prevent the building of mill-dams or fish-dams, so that the former are constructed with flood-gates admitting of the free passage of fish up stream, and that the water do not extend over more than two-thirds of the width of the stream,—otherwise the owners of said dams shall be guilty of a misdemeanor, and presented by the Grand Jury, and on conviction thereof shall be punished as prescribed in the first section of this Act, all laws to the contrary notwithstanding.

Assented to December 19th, 1860.

26. WALKER COUNTY.

SECTION 37. After March 1st, next, all Guardians or Employers of Free Negroes, in the counties of Walker, Thomas, Henry, and Upson, shall cause the same to reside on the premises of said Guardian, &c.

SECTION 38. In case said Guardian fails to do so, then the Interior Court of said county is to fine him—\$100 annually for each Free Negro for which he is Guardian, &c.

(No. 169.)

An Act to compel all Guardians or Employers of Free Negroes, in the counties of Walker, Thomas, Henry, and Upson, to have the Free Negroes for whom they are Guardian or Employer, to reside on the premises of the Guardian or Employer, and to manage said Free Persons in such way as to cause them to make a support for themselves, if able to work.

37. SECTION I. *Be it enacted, &c.*, That from and after the first day of March next, all Guardians or Employers of Free Negroes, in the counties of Walker, Thomas, Henry, and Upson, shall cause the said Free Negroes for whom he is Guardian or Employer, to reside on the premises, and also to manage said Free Person, in such way as to cause him, or them, to make a support, if able to work.

38. SEC. II. *And be it further enacted*, That if any Guardian or Employer, as aforesaid, shall permit or allow said Free Negro, for whom he is Guardian, in said counties, to have a residence off the premises of said Guardian or Employer, or shall fail or neglect to manage said Free person, in such manner that said Free person does not make a support, if able to work, shall be fined by the Inferior Court of said counties respectively, in the sum of one hundred dollars annually, for each person for whom he is Guardian or Employer, unless a satisfactory excuse is rendered to said Court, by said Guardian or Employer, and that said Court shall give said Guardian or Employer twenty (20) days' notice of his default, and requiring him to shew cause, at that time, why he should not be fined for his default, as such Guardian or Employer.

SEC. III. Repeals conflicting laws.

Assented to December 21st, 1860.

And on conviction shall be fined or imprisoned.

Not to prevent the construction of mill-dams or fish-dams where there are flood gates, &c. Otherwise the owner of said dams shall be guilty of a misdemeanor.

After March 1st next, all Guardians or Employers of Negroes in the Counties of Walker, Thomas, Henry, and Upson, shall cause the same to reside on the premises of said Guardian, &c. In case said Guardian fails to do so then the Inf. Court of said county is to fine him.

\$100 annually for each Free Negro for whom he is Guardian.

27. WASHINGTON COUNTY.

(See Act No. 166, "An Act better to regulate liquor traffic, in the counties of Taliaferro, Greene, Washington, and Henry, &c.)

28. WEBSTER COUNTY.

SECTION 39. No person shall poison fish in the county of Webster. SECTION 40. Any person so doing shall be fined not exceeding \$50.

(No. 170.)

An Act to make penal the using of any poisonous substance in any of the water courses in the county of Webster, for the purpose of poisoning and catching fish.

No person shall poison fish in the County of Webster.

39. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, it shall not be lawful for any person or persons to use any poisonous substance in any of the water courses in Webster county, for the purpose of poisoning and catching fish.

Any person so doing, on conviction, shall be fined not more than \$50.

40. SEC. II. *And be it further enacted,* That any person, or persons, who shall violate the first Section of this Act, shall be subject to indictment, and on conviction thereof, shall be fined not exceeding fifty dollars; any law, custom, or usage, to the contrary notwithstanding.

Assented to December 20th, 1860.

29. WILCOX COUNTY.

SECTION 41. Any person firing the woods in the county of Wilcox, between the 1st of May, and the 1st of February, shall be guilty of a misdemeanor, and on conviction, shall be fined \$100, or imprisoned not exceeding thirty days.

(No. 171.)

An Act to prevent the firing of woods, between the first day of May and the first day of February, in each and every year, in the county of Wilcox, and for other purposes.

Any person firing the woods in the County of Wilcox between the 1st day of May and the 1st day of February, shall be guilty of a misdemeanor or.

41. SECTION I. *Be it enacted, &c.,* That any person who shall fire the woods, or cause the same to be fired, at any time between the first day of May and the first day of February, in each and every year, in the county of Wilcox, shall be guilty of a high misdemeanor, and on conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or imprisonment in the common Jail of the county not exceeding thirty days, at the discretion of the Court.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860.

TITLE VIII.

COUNTY SITES.

1. *Clinch,*
2. *Lowndes,*
3. *Ware,*

1. CLINCH.

Sec. 1. Inferior Court of Clinch county, authorized to remove the County Site of said county, from Magnolia to Station No. 11, A. & G. R. R.

(No. 172.)

An Act to provide for the removal of the Site of the public Buildings of the county of Clinch, from Magnolia in said county, to Station Number 11, on the Atlantic and Gulf Railroad, in said county of Clinch, and for other purposes.

WHEREAS, A petition signed by about two hundred and seventy-five citizens of said county, is presented, asking the removal by the present General Assembly of the State of Georgia, of the Site of the public buildings of said county, from Magnolia in said county to Station Number 11, on the Atlantic and Gulf Railroad in said county.

And whereas the Inferior Court have executed to them a Bond with good and sufficient security, from one John H. Mattox, that said removal shall be made without expense to the county of Clinch;

1. SECTION I. *The General Assembly of the State of Georgia do enact,* That the Inferior Court of the county of Clinch, upon the passage of this Act, are authorized to remove the Site of the public buildings of the county of Clinch, from the town of Magnolia in said county, to Station Number 11, on the Atlantic and Gulf Railroad, in said county, on Lot of Land, Number four hundred and ninety-eight, (498) in the 7th District of said county, at such time and upon such terms as they may deem advisable, and to the best interest of said county of Clinch, and the convenience of the citizens thereof.

SEC. II. Repeals conflicting laws.

Assented to 12 Dec. 1860.

Preamble.

Inf. Court of
Clinch County
authorized
to remove the
County site of
said County
from Magnolia
to Station
No. 11, A. &
G. R. R.

2. LOWNDES.

Sec. 2. Commissioners may turn over to the Inferior Court all monies, &c., in their hands.

" 3. Inferior Court constituted their successors in office.

" 4. Inferior Court of said county may lay off the county in Justices' Court Districts.

Sec. 5. Justices' Court ground shall be precincts.

" 6. Inferior Court of Lowndes county may compensate the Commissioners appointed to remove county site.

" 7. Superior Court of Calhoun county changed from 4th Monday in May and November to 3d Monday in March and September.

(No. 173.)

An Act to make the Inferior Court of the county of Lowndes, successors in office, to the Commissioners appointed under An Act entitled "An Act to remove the county Site of Lowndes county, to change the line between said county and the county of Brooks, and for other purposes, and to authorize said Inferior Court, to lay off said county of Lowndes into Militia Districts, and for other purposes.

2. SECTION I. *Be it enacted, &c.,* That James Harrall, Dennis Witherington, Jno. R. Stapler, and William H. Goldwire, the Commissioners appointed by the Act aforesaid, to select and locate the county Site of Lowndes and lay off the same into lots, be, and they are hereby empowered to turn over to the Justices of the Inferior Court of the county of Lowndes, and their successors in office, all monies, notes, assets, deeds, or proceeds of any kind, that have been or may be, in their hands, arising from the purchase and sale of the lots aforesaid, in the town of Valdosta.

3. SEC. II. *And be it further enacted,* That the Justices of the Inferior Court of said county, and their successors are hereby required to receive the same for county purposes, and they, and their successors in office of the Commissioners aforesaid.

4. SEC. III. *And be it further enacted,* That the said Court is hereby empowered to lay off the county of Lowndes, into as many Militia or Justice Court Districts, as they may think necessary, and in the event of any Justice of the Peace being cut off into any of the new Districts, as laid off by the Court under the provisions of this Act, he shall continue to hold his office until the expiration of the term for which he was elected, and said Court shall order an election for a Justice or Justices of the Peace, in each District where it may be necessary by giving ten days notice of the same.

5. SEC. IV. *And be it further enacted,* That the places which shall be selected by the Justices of the Peace, for holding their Courts in said Districts, shall be established as the precinct for holding elections according to law, in such cases made and provided.

SEC. V. Repeals conflicting laws.

Assented to 1st Dec. 1860.

Lowndes—Ware.

(No. 174.)

An Act to authorize the Inferior Court of Lowndes county to pay out of the county funds, the Commissioner appointed under An Act entitled An Act, to remove the county site of Lowndes county, to change the line between said county, and the county of Brooks; also, to change the times of holding the Superior Court of Calhoun county, and for other purposes.

6. SEC. I. *The General Assembly of the State of Georgia do enact as follows:* The Justices of the Inferior Court of Lowndes county, are hereby authorized to pay out of the funds of said county, James Harrall, Dennis Worthingham, John R. Stapler and William H. Goldwire, Commissioners, appointed under said recited Act, to remove the county Site of Lowndes, such sum as may be deemed by said Court sufficient to compensate said Commissioners for their work and labor in the premises.

Inf. Court of Lowndes Co. may compensate the Commissioners appointed to remove County site.

7. SEC. II. *Be it further enacted.* That from and after the passage of this Act, the time of holding the Superior Courts of Calhoun county, be changed from the fourth Monday in May and November, to the third Monday in March and September, in each and every year.

Sup. Court of Calhoun Co. changed from 4th Monday in May and November to 3rd Monday March and September.

SEC. III. Repeals conflicting laws.
Assented to December 20th, 1860.

3. WARE.

Sec. 8. Inferior Court of Ware County authorized to submit the question of removal of the county Site, to a vote of the citizens of said county.

Sec. 9. In case a majority of the votes cast, be so endorsed, then the action of the Inferior Court to be affirmative.
“ 10. In case a majority sustain the Court they be authorized to sell the old Court House.

(No. 175.)

An Act to authorize the Inferior Court of Ware county, to order a vote of the citizens of said county, relative to the building of a new Court House, the changing of the Site thereof, and for other purposes.

WHEREAS, The Inferior Court of Ware county, have authorized the construction of a new Court House, in said county, have levied a tax therefor, and have changed the Site of the building to a point some four hundred yards distant, from its present location, in the town of Waresboro, the county Site of said county; and whereas a few citizens of said town of Waresboro, have manifested dissatisfaction with the action of said Court, in removing the building as herein before stated;

Preamble,

8. SEC. I. *Be it enacted, &c.,* That the Inferior Court of Ware county, be, and is hereby authorized, to submit the question of removing said Court House to the point proposed and ordered by said court, to a vote of the citizens of said county, to be taken on second Monday in January next, in such manner as said Court may order.

Inf. Court of Ware County authorized to submit the question of removal of the County site to a vote of the citizens.

Blackshear Academy.

In case a majority of the votes cast be so endorsed, then the action of the Inf. Court be affirmed.

9. SEC. II. *Be it further enacted*, That if the majority of the votes polled at such election, shall be cast in favor of the past action of said Inferior Court, then their action in the premises shall thereby be confirmed, and made valid.

In case a majority sustain the Court then they be authorized to sell the old Court House,

10. SEC. III. *Be it further enacted*, That if the majority shall sustain said court, as provided in section second of this Act, the said court be, and is hereby authorized to sell to the highest bidder, at such time as may be deemed proper, by said court, the old Court House and Jail, and to receive titles to such lots, as may be donated or granted to said county, for the new Court House and Jail.

SEC. IV Repeals conflicting laws.

Assented to December 1st, 1860.

TITLE IX.

EDUCATION.

Art. I. ACADEMIES.

“ II. COLLEGES.

“ III. COMMON SCHOOLS.

“ IV. TEACHERS OF POOR CHILDREN.

ART. 1. ACADEMIES.

1. *Blackshear Academy.*
2. *Black Spring Academy.*
3. *Bear Creek Academy.*
4. *Dallas Male and Female Academy.*
5. *Hepsibah High School.*
6. *Mount Vernon Academy.*
7. *Oglethorpe Academy.*
8. *Oxford Female Academy.*
9. *Pleasant Grove Academy.*

1. BLACKSHEAR ACADEMY.

Sec. 1. Corporators—Blackshear Academy incorporated. Sec. 2. Trustees may have power to enforce rules.

(No. 176.)

An Act to incorporate Blackshear Academy in Pierce County, and appoint Trustees for the same, and for other purposes.

Corporators.

Blackshear Academy incorporated. Trustees may have power to enforce rules, &c.

1. SECTION I. *Be it enacted, &c.*, That J. A. Harper, E. D. Hendry, D. R. Milton, C. S. Yourmans, John W. Stephens, John T. Wilson, Benjamin Blitch, William Goettee, John M. Jenkins, and Jas. B. Strickland, of Pierce county, be incorporated under the name of the Trustees of Blackshear Academy; they shall have power to fill vacancies in their board of perpetual succession, to receive and invest donations of money, or other property, for the use of

said Academy, and shall have all the powers and privileges granted heretofore to the most favored Academies by the General Assembly.

2. SEC. II. *Be it further enacted*, That the Board of Trustees aforesaid, shall also have power to adopt and enforce such regulations for the security of the morals of the youths attending said Academy, as they may think proper.

SEC. III. Repeals conflicting laws.

2. BLACK SPRING ACADEMY.

(For Act to incorporate, see Act No. 90, "To incorporate the Second Baptist Church, Kollock street, Augusta, Georgia," &c.)

3. BEAR CREEK ACADEMY.

Sec. 3. Trustees of Bear Creek Academy.

" 4. Bear Creek Academy incorporated.

Sec. 5. The Trustees may hold real and personal estate, and fill vacancies when necessary.

(No. 177.)

An Act to incorporate Bear Creek Academy in the county of Henry, in the State of Georgia.

3. SECTION I. *Be it enacted, &c.*, That William S. Fears, S. P. Campbell, W. W. Jackson, M. W. Westmoreland, T. J. Edwards, R. A. Henderson, and T. G. Barnett, be, and they are hereby appointed Trustees of Bear Creek Academy, in the county of Henry and State of Georgia.

Trustees of
Bear Creek
Academy.

4. SEC. II. *And be it further enacted*, That the said Trustees and their successors in office be, and they are hereby declared to be a body corporate and politic, by the name and style of the Trustees of Bear Creek Academy, in the county of Henry, and as such shall be capable and liable in law to sue and be sued, plead and be impleaded, and to make all such by-laws and regulations as may be necessary for the government of said Academy; *Provided* the same be not repugnant to the constitution and laws of this State.

Bear Creek
Academy in-
corporated.

5. SEC. III. *And be it further enacted*, That the said Trustees shall be capable of holding personal and real estate, all gifts, grants and immunities which may now belong to said Academy, or which may hereafter be conveyed to the Trustees thereof, or their successors in office, for the benefit of the same, and that when any vacancy may happen by death, resignation, or otherwise, of any one or more of said Trustees, the survivors, or a majority of them, shall fill such vacancy.

The Trustees
may hold real
and personal
estate.

And fill the
vacancies
when nec-
essary.

Assented to December 7, 1860.

Dallas Male and Female Academy — Hepsibah High School — Mount Vernon Academy.

4. DALLAS MALE AND FEMALE ACADEMY.

Sec. 6. Corporators—Dallas M. and F. Academy incorporated.
 " 7. Trustees may accept real and personal estate.

Sec. 8. May appoint all necessary officers, fill vacancies, and make rules to govern said school.

(No. 178.)

An Act to incorporate Dallas Male and Female Academy, and to appoint Trustees therefor, and for other purposes.

6. SECTION I. *Be it enacted, &c.*, That Rev. J. F. Owin, Bednago F. Wright, J. H. Weaver, Miles Edwards, Lemuel B. Anderson, T. Carter Moore Noel, W. Roberts, Thomas Ansley, Silas B. McGregor, and Solomon L. Strickland, and their successors in office, shall be, and they are hereby declared to be a body corporate, by the name of the Trustees of the Dallas Male and Female Academy, in Paulding county, and the said Trustees, and their successors in office, are hereby declared to be able and capable in law of suing and being sued, pleading and being impleaded, and to have and to hold and enjoy real estate, for the use of said Academy.

Corporators.

Dallas Male and Female Academy incorporated.

Trustees may accept and hold real and personal estate.

7. SEC. II. *And be it further enacted*, That the said Trustees, and their successors in office, shall be capable of accepting any real estate whatsoever, which now belongs to said Academy, or which may hereafter belong for the use of said Academy.

May appoint all necessary officers, &c.

Fill vacancies.

And make rules to govern said school.

8. SEC. III. *And be it further enacted*, That the said Trustees, and their successors in office, shall have power and authority to appoint such officers as they, or a majority of them may think proper, and remove the same from office for the neglect of duty, and shall have power to fill all vacancies that may happen in the board from time to time, by death, resignation or otherwise, and to make such laws and regulations, for the government and management of said institution, not contrary to the laws and constitution of this State, as they or a majority of them may deem proper.

SEC. IV. Repeals conflicting laws.

Assented to December 17, 1860.

5. HEPSIBAH HIGH SCHOOL.

(For Act to incorporate the Trustees of, see Act No. 181, "To incorporate Fort Valley Female College," &c.)

6. MOUNT VERNON ACADEMY.

(For Act to incorporate, see Act No. 88, "To incorporate the Mount Vernon Church," &c.)

Oglethorpe Academy.

7. OGLETHORPE ACADEMY.

Section 9. Corporators—Oglethorpe Academy incorporated.

“ 10. Trustees may have certain powers. “ 12. Said Trustees may have perpetual succession.

(No. 179.)

An Act to incorporate the Oglethorpe Academy in the Town of Oglethorpe, Macon county, and to appoint Trustees for the same.

9. SEC. I. *Be it enacted, &c.*, That Benj. Harris, Calvin D. Sum-
merlin, John Shealy, Theoderick W. Montfort, Daniel S. Harrison,
and their successors in office, shall be, and they are hereby de-
clared to be a body corporate by the name and style of the Ogle-
thorpe Academy.

Corporators.

Oglethorpe
Academy in-
corporated.

10. SEC. II. *Be it further enacted*, That the Trustees and their
successors in office, under the name and style aforesaid, may sue
and be sued, plead and be impleaded, may have and use a common
seal, and may possess and acquire, by gift, grant, or purchase,
lands, tenements, hereditaments, goods, chattels and other estates,
the same to be used for the purpose of said Academy.

Trustees may
have certain
powers.

11. SEC. III. *Be it further enacted*, That the Trustees aforesaid, or
a majority of them, shall have power to appoint a Principal for the
said Academy, and such Assistants as they may deem necessary.

May appoint
a Principal
and Assistant
of such Acad-
emy.

12. SEC. IV. *Be it further enacted*, That said Trustees, in their
corporate character and name, shall have perpetual succession,
and when any vacancy occurs by death, resignation, or otherwise,
the remaining Trustees shall have power of filling such vacancy.

Said Trustees
may have
perpetual suc-
cession.

SEC. V. Repeals conflicting laws.

Assented to December 20th, 1860.

8. OXFORD FEMALE ACADEMY.

(For Act to incorporate, see Act No. 85, “To incorporate Lib-
erty Hill Baptist Church,” &c.)

9. PLEASANT GROVE CHURCH.

(For Act to incorporate, see Act No. 90, “To incorporate Sec-
ond Baptist Church, Kollock street, Augusta, Georgia,” &c.)

ART. II. COLLEGES.

1. *College Temple.*
2. *Fort Valley Female College.*
3. *Georgia Female College.*
4. *LaGrange Female College.*
5. *Medical College of Georgia.*

1. COLLEGE TEMPLE.

Section 13. Charter of College Temple construed.

(No. 180.)

*An Act explanatory of an Act to incorporate College Temple, located in
Newnan, Georgia, and to confer powers on the same—Approved Feb.
11, 1854.**

13. SECTION I. *Be it enacted, &c.*, That the above recited Act

*See Acts of 1853-4, pamp. p. 119.

Charter of
College Tem-
ple construed.

shall be so construed as to exempt only from taxation the lot on which College Temple is built, the improvements on said lot, the apparatus, library and furniture connected with said Institution.
Assented to December 7th, 1860.

2. FORT VALLEY FEMALE COLLEGE.

Section 14. Trustees of Fort Valley Female College.

" 15. Said Trustees may increase their number to seven.

" 16. Said Trustees may sue and be sued, plead, &c.

" 17. May elect a President—Who may appoint all necessary Professors.

" 18. Said Trustees may hold property both real and personal.

" 19. May make by-laws, rules, &c., to govern said College—Proviso.

" 20. Charlton Chapel incorporated.

" 21. Corporators—Hepsibah High School incorporated—Powers and privileges—Proviso.

Section 22. Town of Dublin incorporated.

" 23. Annual election for Commissioners to be held on first Monday in January—Proviso.

" 24. Corporate limits defined.

" 25. Said Commissioners may levy a tax on the citizens of said Town—Proviso.

" 26. May tax all shows, &c., in said Town.

" 27. May make all necessary ordinances, &c., for said Town—Elect a President from their body—Proviso.

(No. 181.)

An Act to incorporate Fort Valley Female College, in the Town of Fort Valley, and to incorporate Trustees for the same; also to incorporate Charlton Chapel, in the Town of Nebraska, in the county of Banks, and to incorporate Trustees for the same; also to incorporate the Trustees of the Hepsibah High School, to be located at Brothersville, in the county of Richmond, and for other purposes therein mentioned.

14. SECTION I. *Be it enacted, &c.,* That Wm. A. Shellie, James P. Allen, T. N. Killen, W. T. Thomas, Malachi Patterson, are hereby appointed Trustees, and are also constituted a body corporate under the name and style of the Trustees of the Fort Valley Female College.

Trustees of
Fort Valley
Female Col-
lege.

Said Trustees
may increase
their number
to seven.

15. SEC. II. *And be it further enacted,* That the Trustees aforesaid or their successors, shall have the privilege and power to increase their number to seven, whenever they may deem it proper so to do; and that said Trustees and their successors in office shall have power to fill any vacancy which may occur in said Board by death, resignation, removal, or otherwise.

Said Trustees
may sue and
be sued, &c.

16. SEC. III. *And be it further enacted,* That said Trustees and their successors in office, under the name and style aforesaid, shall be capable of suing and being sued, pleading and being impleaded; also, to have, take possess, and acquire by gift, grant, or purchase, lands, tenements, hereditaments, goods, chattels, and other estate, to be used for the purpose of education in said college.

May elect a
President.

17. SEC. IV. *And be it further enacted,* That the Trustees, or a majority of them, shall have power to appoint or elect a President of said College, and that the said President, with the concurrence of the Board of Trustees, or a majority of them, shall have power to appoint such Professors as they may deem necessary; also, to establish rates of tuition, prescribe a course of study, confer degrees, and make and appoint such rules and regulations for the internal government of the College as the good of said College may require.

Who may ap-
point all nec-
essary Pro-
fessors.

18. SEC. V. *And be it further enacted*, That said Trustees, or their successors in office, shall be capable of holding personal and real estate, all gifts, grants and immunities which may now belong or appertain to said College, or which may hereafter be conveyed to the Trustees thereof, or their successors in office, for the benefit of the same.

Said Trustees may hold property real and personal, &c.

19. SEC. VI. *And be it further enacted*, That said Board of Trustees, or their successors in office, or a majority of them, shall have power to make such laws, by-laws and rules for the government of the Board and the management of the College, as they may deem proper and fit for said College and Board of Trustees, and that said Board of Trustees shall have power to discontinue or remove the President or Professors for neglect of duty, or other sufficient cause; *provided*, that nothing in this Act be repugnant to the Constitution of the United States or of the State of Georgia.

May make by-laws, rules &c., to govern said College.

Proviso.

20. SEC. VII. *Be it further enacted*, That John D. Terrell, William Lacy, A. B. Gailey, Lemuel Dodd, and Thomas J. Hughes, Jr., be and are hereby appointed Trustees of "Charlton Chapel," with full power to do all manner of things (not conflicting with the Laws and Constitution of this State,) for the purpose of promoting the christian religion, to make such rules and regulations as they may deem best for the furtherance of the objects contemplated by christianity, so far as relates to "Charlton Chapel," in the town of Nebraska, Banks county, Georgia.

Charlton Chapel incorporated.

21. SEC. VIII. *Be it further enacted*, That John F. Carswell, Batt Jones, William H. Davis, Eginardus R. Carswell, Benjamin Pahner, William Sapp, Washington L. Kilpatrick, Green B. Powell, and Baldwin B. Miller, of the county of Burke; Noah Smith, Thomas D. Key, and Sherrod Arrington, of Jefferson county; James H. T. Kilpatrick, George W. Evans, and George W. Cliett, of the county of Richmond, and their successors in office, be, and they are hereby constituted a body politic and corporate under the name and style of the Trustees of the Hepzibah High School, to be located at Brothersville, in the county of Richmond, with power to use a common seal, to sue and be sued, plead and be impleaded in any of the courts of law and equity of this State, to hold and acquire by will, device, gift, grant, purchase, or otherwise, any property, real, personal or mixed; mortgage, exchange, sell, or in any way dispose of the same, and make all needful contracts for the good of said school. The same Trustees, in their corporate character and name, shall have perpetual succession, and when any vacancy occurs in said Board by death, resignation, or otherwise, the remaining Trustees, or a majority of them, shall have the power to fill such vacancies; the said Board shall have power to make all needful by-laws, rules and regulations; *provided*, the same be not repugnant to the Constitution and Laws of this State.

Corporators.

Hepzibah High School incorporated.

Powers and privileges.

Proviso.

22. SEC. IX. *Be it further enacted*, That James F. Robinson, George Currell, W. S. Ramsey, Joel E. Perry, and John B. Wolfe, be hereby appointed Commissioners of the Town of Dublin, in the

Town of Dublin incorporated.

county of Laurens, with full powers to make all by-laws and regulations necessary for the government of the same.

Annual election of Commissioners on first Monday in January.

Proviso.

23. SEC. X. *And be it further enacted*, That said Commissioners shall continue in office until the first Monday in January, eighteen hundred and sixty-two, on which day, and on the 1st Monday in January in each succeeding year thereafter, all persons, residents of said Town, entitled to vote for members of the Legislature, shall assemble at some suitable place within the corporate limits of said Town, and shall by ballot elect five Commissioners, who shall continue in office one year, and shall be re-eligible; said election shall be held by two Justices of the Peace or two Justices of the Inferior Court, or one of either, together with one free-holder; *Provided*, that in the event of there being no election of Commissioners at the time herein pointed out, the Commissioners then in office shall so continue until their successors are elected, which may be done at any time thereafter by the Commissioners giving five days notice of the time of holding said election.

Corporate limits defined.

24. SEC. XI. *And be it further enacted*, That the corporate limits of said Town shall extend one half of a mile in every direction from the Court-House, except where said distance shall strike the Oconee River, and such point to extend to the west bank of said River.

Said Comrs. may levy a tax on the citizens of said town.

Proviso.

25. SEC. XII. *Be it further enacted*, That said Commissioners shall have power to levy and collect a tax for the use of said town from the residents thereof, in such manner as they may direct; *provided* the same shall only be a poll tax, and shall not exceed the sum of one dollar and fifty cents per head for any one year.

May tax all shows, &c., in said town.

26. SEC. XIII. *And be it further enacted*, That said Commissioners shall have power to tax all shows performing in said Town for the purpose of gain, and all itinerant traders, and shall have power to enforce the collection of the same in such manner as they may think proper.

May make all necessary ordinances, &c., for said town. Elect a President from their body.

Proviso.

27. SEC. XIV. *And be it further enacted*, That said Commissioners and their successors, or a majority of them for the time being, may make all such ordinances as they may think proper for the good government and well being of said town; shall elect a President from their body, appoint a Marshal, and such other officers as they may deem necessary to carry their ordinances into effect; *provided* such ordinances are not repugnant to the Constitution of this State or of the United States.

SEC. XV. Repeals conflicting laws.

Assented to December 20th, 1860.

3. LAGRANGE FEMALE COLLEGE.

- SEC. 28. Sale of LaGrange Female College; ratified.
- SEC. 30. Said College may confer degrees, grant diplomas, &c.
- " 29. Corporators LaGrange Female College incorporated.
- " 31. Said Trustees may fill vacancies, sell and transfer property, &c.; may hold and possess property, both real and personal.

(No. 182.)

An Act to amend the several Acts heretofore passed in relation to the LaGrange Female College, to ratify the sale of the same, and for other purposes therein named.*

WHEREAS, the LaGrange Female Academy was originally incorporated by the Legislature of Georgia, and the same was duly organized according to the true intent and meaning of said Act; and *whereas*, the name of said Academy was afterwards changed to the name of the LaGrange Female Institute; and *whereas*, the name was subsequently by Act of the General Assembly changed to the name of the LaGrange Female College, and certain persons and rights were conferred by each of the said several Acts; and *whereas*, Joseph T. Montgomery and Hugh B. T. Montgomery removed said Institution to a more eligible location, and incurred great expense in erecting buildings and procuring apparatus, and in making great improvements; and *whereas*, on the 29th day of January, 1857, said Joseph T. Montgomery and Hugh B. T. Montgomery, by indenture, did duly convey said LaGrange Female College to William J. Parks, Caleb W. Key, Albert E. Cox and others, as trustees appointed by and acting for the Georgia Annual Conference of the Methodist E. Church, South; and *whereas*, said Conference has since said day held and managed said College, by its Trustees, and have at various times added to and filled vacancies in said Board of Trustees. Therefore,

28. SECTION I. *The General Assembly do enact*, That the transfer and sale of said LaGrange Female College to the Trustees named in said deed, and for the purposes therein named, be, and the same is, hereby ratified and made legal, and that said new trustees and their successors do hold and enjoy and exercise all the powers, rights, franchises and privileges heretofore granted by the several Acts aforesaid, as fully as if they had been the original Trustees for said institution of learning.

29. SEC. II. *Be it further enacted*, That the present Board of Trustees, to-wit: Robert A. T. Ridley, *President*, James B. Payne, Caleb W. Key, John C. Simmons, Gadwell J. Pearce, Charles R. Jewitt, William J. Scott, John W. Talley, Robert B. Lester, George C. Clark, William H. Evans, James W. Hinton, Eustace W. Speer, William D. Martin, James M. Chambers, James M. Beall, Simon W. Yancey, Albert E. Cox and Benjamin H. Hill, and their successors in office, be, and they are, hereby incorporated and made a body corporate, under the name and style of the

* See Public Laws of 1831, pamph. p. 4. Also Acts of 1857, pamph. p. 118-9.

Medical College of Georgia—Young's Female College.

LaGrange Female College, and as such may sue and be sued, plead and be impleaded in any Court of law or equity in this State, may have a common seal, and adopt all by-laws and regulations for the government of said College they may deem fit and proper, not repugnant to the Constitution and laws of this State, and of the United States.

Said College may confer degrees, grant diplomas, &c.

30. SEC. III. *Be it further enacted*, That said LaGrange Female College may confer degrees, grant diplomas, regulate instruction, and do all other things necessary to be done, and have all the powers, privileges and franchises heretofore conferred upon any literary female college in this State, and may do all things properly attaching to a college of the highest grade.

Said Trustees may fill vacancies, sell and transfer property, &c.

31. SEC. IV. That said Board of Trustees shall have power to fill vacancies and enlarge their number, as desired, and shall have power to sell and transfer any property originally belonging to said LaGrange Female Academy, or LaGrange Female Institute, and to invest the proceeds of said sale in accordance with the true intent and meaning of the original incorporation, and shall have power to hold and possess property, real and personal, by gift, grant, bequest, or otherwise, and to alien and dispose of the same under the direction and by the consent of the said Georgia Annual Conference of the Methodist Episcopal Church South.

May hold and possess property, both real and personal, &c.

SEC. V. Repeals conflicting laws.

Assented to December 19th, 1859.

4. MEDICAL COLLEGE OF GEORGIA.

(See Title Appropriations, Act No. 73, "To furnish money to the Medical College of Georgia for the purpose of educating and graduating certain young men in Georgia, and for other purposes.")

5. YOUNG'S FEMALE COLLEGE.

SEC. 32. Young's Female College incorporated. SEC. 35. Said Trustees may fill all vacancies in said Board.
 " 33. Said corporation may make rules &c. to govern said college.
 " 34. Said Trustees may elect a President and Professors. " 36. Real and personal property of said Institution exempt from taxation.

(No. 183.)

An Act to incorporate the Young's Female College, in the county of Thomas, at or near Thomasville, for the education of young ladies.

Preamble.

WHEREAS, Elijah R. Young, of the county of Thomas, did by his last will and testament give and bequeath the sum of thirty thousand dollars to trustees in said will designated, to-wit: Thomas Jones, James J. Hays, James L. Seward, Augustine H. Hansell, William J. Young, A. J. McIntyre and David S. Brandon, for the purpose of building a female college, to be called Young's Female College, for the education of young ladies,

Young's Female College incorporated.

32. SECTION I. *Be it enacted*, &c. That the aforesaid Trustees, and their successors in office, as Young's Female College, in the county of Thomas, at or near Thomasville, be, and they are,

Dawson County.

hereby incorporated under the style and corporate name of Young's Female College, and as such may sue and be sued, may hold property real and personal, accept donations and legacies, and do all other acts necessary to the educational purposes for which the same is organized.

33. SEC. II. *And be it further enacted*, That the said corporation shall have power to make and establish a constitution and by-laws and regulations for the organization and government of said college, as they may deem expedient, or shall not be repugnant to the Constitution and laws of the State of Georgia.

34. SEC. III. *And be it further enacted*, That the Trustees, or a majority of them, shall have power to appoint or elect a President and Professors of said College; and said President, with the concurrence of the Board of Trustees, or a majority of them, shall have power to establish rates of tuition, and prescribe a course of study, as they may think best.

35. SEC. IV. *Be it further enacted*, That, when any vacancy may happen by death or resignation, or otherwise, of any one or more of said Trustees, said vacancy may be filled by the remaining Trustees; and that said Board of Trustees shall have power to elect all officers and teachers of said College, and discontinue or remove those so elected, whenever they may think proper.

36. SEC. V. *And be it further enacted*, That the real and personal property of said corporation be, and the same are, hereby exempted from all taxation, so long as the same is used for purposes of education.

SEC. VI. Repeals conflicting laws.

Assented to December 17th, 1860.

ART. III.---COMMON SCHOOL.

1. Dawson county.
2. Haralson county.
3. Lumpkin county.
4. Rabun county.
5. Whitfield county.

1. DAWSON COUNTY.

Sec. 37. Dist. Treasurers of Dawson county to pay over all am'ts in their hands to the Ordinary.

Sec. 38. Dist. Treasurers of Haralson Co. to pay over to the Ordinary of said county.

(No. 184.)

An Act to authorize and require the District Treasurers of the Common School Fund for the counties of Dawson and Haralson to pay the money in their hands to the Ordinaries of said counties, and for other purposes herein mentioned.

37. SECTION I. *Be it enacted, &c.*, That the District Treasurers of the Common School Fund of the county of Dawson are hereby authorized and required to pay over to the Ordinary of said county

Dist Treas-
urers of Dawson
County to
pay over all
sums in
their hands to
the Ordinary.

Haralson—Lumpkin.

any and all moneys in their hands belonging to the said Common School Fund, to be by said Ordinary again paid to the District from which he receives it to pay the accounts of teachers in said District, for the year (1860) eighteen hundred and sixty, and said Ordinary shall not charge any commission on the fund so passing through his hands.

District Treasurers of Haralson County to pay over to the Ordinary of said County.

38. SEC. II. *And be it further enacted*, That the several District Treasurers within the county of Haralson, who have educational funds or school funds in their hands, be, and they are, hereby authorized and required to pay said funds over to the Ordinary of said county, to be used by him as a part of the general school fund of said county.

Assented to December 19th, 1860.

2. HARALSON COUNTY.

(See Act No. 184, "To authorize and require the District Treasurers of the Common School Fund for the counties of Dawson and Haralson to pay the money in their hands to the Ordinaries of said counties, &c.")

3. LUMPKIN COUNTY.

SEC. 39. Trustees of the School Districts in the county of Lumpkin to return all children entitled to the benefit of the Common School Fund to the Ordinary of said county.

(No. 185.)

An Act to change the mode of ascertaining the number of children in the county of Lumpkin who are entitled to the benefit of the Common School Fund for said county.*

Trustees of the School Districts in the County of Lumpkin to return all children entitled to the benefit of the Common School fund to the Ord. of said County.

39. SECTION I. *Be it enacted, &c.*, That it shall be the duty of the Trustees of the several School Districts of the county of Lumpkin to return to the Ordinary of said county, by the first day of August in each and every year, all the children in their respective districts entitled by law to the benefit of the School Fund for said county, and the said Ordinary shall record the same in a book to be kept for that purpose, and shall also make out, under his seal of office, a list of said children, and report the same to the Comptroller General, within sixty days thereafter.

SEC. II. Repeals conflicting laws.

Assented to December 19th, 1860.

* See Acts of 1833, pamph. p. 43.

4. RABUN COUNTY.

Sec. 40. District Treasurers in each of the Militia Districts of Rabun county to be annually elected.

" 41. Amount due each District as a School Fund to be paid over to such Treasurers, upon their giving bond.

Sec. 42. Treasurers so appointed to discharge their duties according to the Acts of 1858 and 1859.

(No. 186.)

An Act to change the mode and manner of disbursing the Common School Fund for the county of Rabun.*

40. SECTION I. *Be it enacted, &c.,* That on the first Saturday in January next, and of each and every year following, an election shall be held in each of the Militia Districts of Rabun county, to choose a Treasurer therefor, to be voted for by those entitled to vote for members of the Legislature, and it shall be the duty of one Justice of the Peace, and two freeholders, duly sworn, according to law, to hold said elections as managers, in each of said Districts, and to make returns thereof to the Ordinary of said county.

Dist. Treasurer in each Militia Dist. of Rabun Co. to be annually elected.

41. SEC. II. *And be it further enacted,* That the amount of money from the Common School Fund, due to each of said Districts, under existing laws, shall be paid over to said Treasurers, upon their first, each of them, having executed a bond with approved security, in double the amount to be paid into his hands, said bond to be made payable to the Ordinary of said county, and his successors in office, conditioned for the due performance of all the duties now required by the existing laws of Treasurers of the Common School Funds.

Am't. due each District as a School fund to be paid over to such Treasurers. Upon their giving bond.

42. SEC. III. *And be it further enacted,* That said Treasurers and each of them, for their respective Districts, shall discharge faithfully all the duties, and incur all the responsibilities prescribed for Treasurers of the Common School Fund of this State, by the provisions of the Act of the 11th December, 1858, entitled, An Act, to provide for the education of the children of this State, between certain ages, and to provide an annual sinking fund for the extinguishment of the public debt, and those of the Acts amendatory thereof, assented to the 21st, December, 1859.

Treasurers so appointed to discharge their duties according to the Acts of 1858 and 1859.

Assented December 20th, 1860.

* See Acts of 1855 and 1856, pamp. p. 308.

5. WHITFIELD COUNTY.

- Sec. 43. School Fund of Whitfield county to be appropriated to pay the tuition of poor children as registered in said county.
- " 44. Board of Education to lay off said county into School Districts; and appoint School Commissioners.
- " 45. Said Commissioners shall be notified of their appointment and shall be compelled to serve; Ordinary to fill vacancies.
- " 46. Said Commissioners to register the name and age of all children who are unable to pay their tuition, &c.
- " 47. To keep their register in the most public place practicable, subject to general inspection.
- " 48. Also to keep a register of the name of every free white child between the ages of 6 and 18 years.
- Sec. 49. For the non-performance of their duties, the children of their Districts shall not be entitled to their proportion of the School Fund.
- " 50. Ordinary of said county to return to the Governor, a complete list of all the children between 6 and 18 years.
- " 51. Duty of Teachers when they propose to teach; Commissioners to attend their schools at least once a month.
- " 52. Teacher shall keep an accurate account of the number of days each pupil is taught, &c.; Board of Education, to order the same paid.
- " 53. Said accounts to be filed with the Ordinary; before the 3d Monday in December.
- " 54. Annual meeting of the Board on the 3d Monday in December; In case of a deficiency in the fund, the accounts to be paid pro-rata.

(No. 187.)

An Act to provide by law a permanent plan for using the School Fund in the county of Whitfield, and for other purposes therein named.

43. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the portion of the School Fund of the State of Georgia, which the county of Whitfield shall hereafter receive, and any fund raised in the county of Whitfield, for the purpose of augmenting said educational fund, shall be applied and used for the payment of the tuition of such poor children in said county, as shall be registered by the School Commissioners of the several School Districts of said county, as hereinafter provided.

44. SEC. II. It shall be the duty of the Board of Education for said county, to lay off the county into such a number of school districts, as to said Board shall seem convenient and proper, and on or before the third Monday in January, in every year, to appoint three suitable persons in each of said school districts, to act as School Commissioners, and to perform the duties hereinafter presented.

45. SEC. III. When said commissioners have been appointed according to the provisions of the second section of this Act, they shall have notice of such appointment before the first Monday in February following, and they shall be compelled to serve, unless any of them can make it appear to the satisfaction of the Ordinary, that there are good and valid reasons why they should not be compelled to serve; and in that event, or in the event of a vacancy from any other cause, it shall be the duty of the Ordinary to appoint some other suitable person or persons to fill said vacancy or vacancies.

46. SEC. IV. It shall be the duty of said commissioners, in each of said School Districts by the first Monday in March of every year, to register, in a book kept for that purpose, the name and age of every free white child in their respective districts, between the ages of six and eighteen, whom said commissioners shall adjudge,

School fund of Whitfield Co. to be appropriated to pay the tuition of poor children as registered in said Co.

Board of Education to lay off said Co. into School districts. And appoint School Commissioners.

Said Comrs. shall be notified of their appointment, and shall be compelled to serve.

Ord. to fill vacancies.

Said Comrs. to register the name and age of all children who are unable to pay their tuition, &c.

Whitfield.

under all the circumstances, to be unable to pay their tuition, and make a competent support.

47. SEC. V. It shall be the duty of said commissioners to keep said register in the most public and accessible place practicable, so that all persons interested, may know who are, and who are not entitled to participate in the School Fund of said county, and if any child or children, shall be from any cause omitted, who are entitled to participate in said fund, it shall be the duty of said commissioners at any time to enter them upon the register.

To keep their register in the most public place practicable, subject to general inspection.

48. SEC. VI. It shall be the further duty of said commissioners to make out a complete list of all the free white children, between the ages of six and eighteen years, in their respective School Districts, distinguishing upon the list, those that are registered, and return it to the Ordinary, by the first Monday in October of each year, with all other information which shall be by him required, under the existing laws.

Also to keep a register of the name of every free white child between the ages of 6 and 18 yrs.

49. SEC. VII. As a penalty for the non-performance of the duties required of said commissioners by this Act, the children of the district in which said defaulting commissioners were appointed, shall be excluded from a participation in the School Fund of said county, during the year for which said commissioners, are in default, and said commissioners shall be liable to fine, as for contempt by the Board of Education, at their discretion, in a sum not to exceed fifty dollars for each commissioner, so in default, and said fine, when collected, shall be added to the School Fund of said county, and be used according to the provisions of this Act.

For non-performance of their duties their Districts shall not be entitled to their proportion of the School fund

They may also be fined by the Board of Education.

50. SEC. VIII. It shall be lawful for the Ordinary of said county in making up his report to the Governor of the State, as required by law, to ascertain the whole number of free white children in said county, between the ages of six and eighteen years, from the several lists returned to the Ordinary, by said commissioners under the provisions of this Act.

Ord. of said Co. to return to the Governor a complete list of all the children between 6 and 18 yrs.

51. SEC. IX. When any teacher takes a school in said county, and proposes to teach the children registered, according to the requirements of this Act, he shall first notify the commissioners of the district, in which his school, shall be located, and request their attendance at his school, to notice the progress of the pupils taught, which it shall be the duty of said commissioners to do (or some one of them) at least once a month during the continuance of the school, and said school shall be open to all the registered children in the bounds of it, without regard to district lines, and none shall be excluded, except for gross immorality or insubordination to the teachers.

Duty of teachers when they propose to teach.

Comr's. to attend their School at least once a month.

52. SEC. X. Every teacher who proposes to teach the registered children of said county, shall keep an exact account of the number of days he teaches each pupil the elementary branches and the number of days he teaches them the higher branches, having the rate of tuition, to be graduated and fixed by the Board of Education, as they may think right and proper, and every account for teaching the registered children of said county before it shall be or-

Teachers shall keep an accurate account of the number of days each pupil is taught &c.

Board of Education to order the same paid.

Calhoun.

dered by the Board of Education to be paid, shall have filed with it, the affidavit of the teacher to the correctness of it, and also the certificate of the commissioners in the district, where the school was taught, that they are satisfied, that the account is correct, and that the services charged for, were faithfully rendered.

Said acct's to be filed with the Ordinary before the 3rd Monday in December.

53. SEC. XI. Every teacher who teaches the registered children of said county, and complies with the requisitions of the law, shall make out and file his account with the Ordinary of said county, on or before the third Monday in December, of the year in which the service was rendered, and every account that is not filed before the Board of Education shall meet to fix the rate of tuition and make distribution of the School Fund, shall not be paid out of said fund.

Annual meeting of the Board on the 3rd Monday in December.

In case of a deficiency in said fund the accounts to be paid pro rata.

54. SEC. XII. It shall be the duty of the Board of Education, to meet on the third Monday of December, of each year, or so soon thereafter as may be convenient, for the purpose of auditing and ordering the payment of the accounts that may be filed with Ordinary, according to the requirements of this Act, and if there shall not be sufficient fund for any year to pay the accounts for that year, then it may, and shall be lawful for the Board of Education to order the payment of said accounts pro-rata, so far as the fund will extend, and the balance of said accounts remaining unpaid, shall not constitute a debt upon any future school fund that may be received by the Ordinary for said county; but if there should remain in the hands of the Ordinary a surplus of fund after paying off the accounts for any year, then it shall be held over, and added to the School Fund of said county, for the next ensuing year, or shall be used for educational purposes, in such way as may be thought best by the Board of Education for said county.

SEC. XIII. Repeals conflicting laws.

Assented to December 20th, 1860.

Art. IV. TEACHERS OF POOR CHILDREN.

1. *Calhoun County.*
2. *Chattahoochee County.*
3. *Chattooga County.*
4. *Monroe County.*
5. *Newton County.*
6. *Walton County.*

1. CALHOUN.

Sec. 55. Ordinary of Calhoun county shall pay J. H. Griffin & Bro., and W. G. Pierce for books furnished to poor children; Proviso.

Sec. 56. Ordinary of Towns county required to keep his office open but one day in the week; Proviso.

(No. 188.)

*An Act to authorize the Court Ordinary of the county of Calhoun to pay certain monies, also to amend the seventh section of An Act, to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, assented to January 21st, 1852.**

55. SECTION I. *Be it enacted, &c., That the Court of Ordinary*

* See Acts of 1851--2, pump. p. from 96 to 106.

Chattahoochee—Chattooga.

of Calhoun county, be authorized to pay over to J. H. Griffin and Brother, and William G. Pierce, citizens of said county, certain sums of money, for books and stationery furnished by them to poor children of said county, while attending school, out of the School Fund of said county; *provided*, said accounts shall be duly certified to before a Justice of the Piece, which accounts thus certified to, shall be presented to the Court, and such certificate shall be entered upon the minutes of said Court.

Ord. of Calhoun Co. shall pay to J. H. Griffin & Bro. and W. G. Pierce, for books furnished to poor children.
Proviso.

56. SEC. II. *And be it further enacted*, That the seventh section of An Act entitled An Act, to carry into effect the amended Constitution of this State, in reference to the Ordinaries of said State, assented to January 21st, 1852, be, and the same is hereby so amended, so far as it relates to the county of Towns as to require the Ordinary of said county to keep his office open only one day in the week, *provided*, he shall advertise in each G. M. District of said county what day he will keep his office open.

Ordinary of Towns Co. required to keep his office open but one day in the week.

Proviso.

SEC. III. Repeals conflicting laws.

Assented to December 18th, 1860.

2. CHATTAHOOCHEE COUNTY,

Sec. 57. Ordinary of Chattahoochee county, to pay James McNeil, \$78.

(No. 189.)

An Act to authorize the Ordinary of Chattahoochee county to pay Poor School account.

Be it enacted &c., That the Ordinary of Chattahoochee county is hereby authorized to pay to James McNeil, twenty-eight dollars out of any fund now in hand, or that may come into his hands, belonging to the poor school fund, for teaching poor children in the year 1859, which were not returned by the Commissioners.

Ordinary of Chattahoochee to pay to Jas. McNeil \$78.

Assented to December 1st, 1860.

3. CHATTOOGA COUNTY.

Sec. 58. Ordinary of Chattooga county, to pay school accounts of John A. Rose and John Hammons.

Sec. 59. Ordinary of Monroe county to pay school accounts of L. W. Jarrell.

(No. 190.)

An Act to authorize the Ordinary of Chattooga county to pay John A. Rose and John Hammons, their accounts against the poor school fund of said county, and to authorize the Ordinary of Monroe county to pay L. W. Jarrell for teaching poor children in said county.

58. SECTION I. *Be it enacted, &c.*, That the Ordinary of Chattooga county pay to John A. Rose and John Hammons, the amount of their accounts against the fund of said county, upon their satisfying said Ordinary that the said children so taught, are entitled within the intent and meaning of the law, to the benefits of said poor school fund.

Ord. of Chattooga Co. to pay school accounts of Jno. A. Rose, and Jno. Hammons.

Monroe—Newton—Walton.

Ord. of Mon-
roe to pay
School acct's.
of L. W. Jar-
rell.

59. SEC. II. *Be it further enacted*, That the Ordinary of Monroe county be, and he is hereby, authorized to pay the accounts of L. W. Jarrell, for teaching such children in said county, as were entitled to the benefit of the common school fund for the year 1859, either in full, or in proportion to what was paid other teachers in said county, for said year.

SEC. III. Repeals conflicting laws.

Assented to December 20th, 1860.

4. MONROE COUNTY.

(For Act to pay certain school accounts in, see Act No. 190, "to authorize the Ordinary of Chattooga county to pay John A. Rose and John Hammons, their accounts against the poor school fund of said county," &c.)

5. NEWTON COUNTY.

(See Act No. 191, "to authorize the Ordinary of Walton and Newton counties to pay certain teachers for teaching certain poor children.")

6. WALTON COUNTY.

Sec. 60. Ordinary of Walton county to pay the school account of Mrs. C. J. Edwards formerly Miss C. J. Johnson, pro-
Viso.

Sec. 61. Ordinary of Newton county to pay Samuel Lindsay for teaching poor children.

(No. 191.)

An Act to authorize the Ordinaries of Walton and Newton counties, to pay certain teachers for teaching certain poor children.

Ord. of Wal-
ton Co. to pay
the School
acct's. of Mrs.
C. J. Ed-
wards, for-
merly Miss
C. J. John-
son.

Proviso.

60. SECTION I. *Be it enacted, &c.*, That the Ordinary of Walton county be, and he is hereby, required to pay to Mrs. C. J. Edwards, formerly Miss C. J. Johnson, the sum of thirty-six dollars and eighty cents, out of any school fund of said county, for teaching certain poor children in the years of 1854 and 1856, who were not returned, owing to the default of the persons appointed for that purpose; *provided*, said teacher shall produce a certificate from a Justice of the Peace for said county, that said children was entitled to a participation of the poor school fund in the above recited years.

Ord. of New-
ton Co. to
pay Sam'l
Lindsay \$60
for teaching
poor children.

61. SEC. II. *And be it further enacted*, That the Ordinary of Newton county be, and he is hereby, authorized and required to pay over to Samuel Lindsay, a former teacher of the poor in said county, the sum of sixty dollars which is still due and unpaid.

SEC. III. Repeals conflicting laws.

Assented to December 18th, 1860.

TITLE X.

EXECUTORS, ADMINISTRATORS, &c.

1. *Baldwin county.*
2. *Cass* “
3. *Harris* “
4. *Jones* “
5. *Marion* “
6. *Upton* “

1. BALDWIN COUNTY.

Sec. 1. A. Wallace Starke, of Pike Co., Ala., authorized to administrate on the estate of George W. Harrison, late of Baldwin Co., deceased. *Proviso.*

(No. 192.)

An Act to authorize A. Wallace Starke, of the State of Alabama, to act as administrator of the estate of George W. Harrison, deceased, late of the county of Baldwin, and for other purposes.

WHEREAS, George W. Harrison, late deceased, of the county of Baldwin, died possessed of considerable estate, consisting mostly of scattered lands in this State; and whereas, his business affairs are greatly complicated, insomuch that it has been found impracticable to find an administrator of his estate; and whereas, his soninlaw, A. Wallace Starke, by the consent of all interested and of age, is willing to assume the duties and responsibilities of such position. Preamble.

1. SECTION I. *Be it enacted, &c.,* That A. Wallace Starke, of Pike county, Alabama, be, and he is hereby authorized to act as administrator on the estate of George W. Harrison, late of the county of Baldwin, deceased, as fully and completely as if he were a citizen of this State, by complying with the laws now in force; *Provided*, that in all suits which any party interested may see proper to institute against said administrator, may and shall be brought in the county of Baldwin and said State, and service may be perfected by publication for thirty days in one of the Gazettes at the Capitol in Milledgeville, to be indicated by an order of the Judge of the Superior Court, for the time being, having jurisdiction of that county, which shall be as effectual as personal service. A. W. Starke of Pike Co. Ala., authorized to administer on the estate of G. W. Harrison late of Baldwin Co. deceased. Proviso.

SEC. II. Repeals conflicting laws.

Assented to December 20, 1860.

CASS—HARRIS.

2. CASS COUNTY.

Sec. 2. Mark A. Harden authorized to sell certain property at private sale.

Sec. 3. Mary A. Graham, adm'r of George Graham, deceased, may sell certain real estate at private sale.

(No. 193.)

An Act to authorize Mark A. Harden to sell certain property therein named, to make titles thereto, to enable Mary A. Graham, administratrix of John Graham, deceased, to sell at private sale, the real property of said estate, and for other purposes.

Preamble.

WHEREAS, certain judgments were obtained against Mark A. Harden, as executor subsequent to the death of his testator, from which *fi. fas.* were issued and levied by John Aycock, former Sheriff of Cass county, upon lots of land No. 19, 54, 57, and the South half of 87, in the 5th District and 3d section of said county, and also upon a house and lot in the town of Cassville, all belonging to the said testators estate; and Whereas, the same was exposed to sale in terms of the law, in such case made and provided before the executor could pay off said *fi. fas.* out of the estate; and Whereas, at said sale the said Executor, without fraud or collusion with the Sheriff or any one else, but being bonafide, the highest and best bidder purchased said property and took a title from the Sheriff in his own name, not knowing that it was contrary to law, or that said sale could probably be set aside; and Whereas, the said Mark A. Harden now desires to sell said property and make a title thereto in his own name—all the legatees having consented thereto, and all being of age but one, who is now about nineteen years old.

Mark A. Harden authorized to sell certain property at private sale.

2. SEC. I. *Be it enacted*, That from and after the passage of this Act, the said Mark A. Harden be, and he is hereby fully authorized and empowered to sell at private sale, and execute titles to the property mentioned in the foregoing preamble.

Mary A. Graham, Adm'r of John Graham, deceased, may sell certain real estate at private sale.

3. SEC. II. *And be it further enacted*, That Mary A. Graham, administratrix of the estate of John Graham, deceased, be empowered to sell at private sale all the real property belonging to said estate.

SEC. III. Repeals conflicting laws.

Assented to December 20, 1860.

3. HARRIS COUNTY.

Sec. 4. Wilkerson Sparks, administrator of George and Elizabeth Sparks, and also of W. A. Sparks, late of Harris Co. may sell at public outcry all of the property of said estates. *Proviso.*

(No. 194.)

An Act to authorize Wilkerson Sparks, administrator with the will annexed, of John Sparks, deceased, and administrator of Elizabeth Sparks, deceased, and administrator of William A. Sparks, deceased, late of Harris county, to sell the land and negroes belonging to each of said estates, on the first Tuesday in December, eighteen hundred and sixty.

WHEREAS, It would be highly conducive to the interest of the

Jones.

legatees of the estates above named, that the administrator have leave to sell the land and negroes belonging to said estates on the first Tuesday in December next. Preamble.

4. SEC. I. *Be it therefore enacted, &c.,* That Wilkerson Sparks, administrator of John and Elizabeth Sparks, deceased, and Administrator of William A. Sparks, deceased, all late of Harris county, be, and he is hereby authorized, and leave is hereby granted to him to put up and sell at public outcry to the highest bidder, in Hamilton, on the first Tuesday in December next, within the legal hours of sale, all the land and negroes belonging to the estate of either of said deceased, lying and being in the said county of Harris; *Provided* said administrator shall have first obtained the consent of the Ordinary of said county at chambers before the day of sale; and *provided* said administrator shall have first advertised said land and negroes at least forty days before the day of sale. W. Sparks, Adm'r. of J. & E. Sparks, and also of W. A. Sparks late of Harris Co., may sell at public outcry, all of the property of said estates. Proviso.

SEC. II. Repeals conflicting laws.

Assented to December 1st, 1860.

4. JONES COUNTY.

Sec. 5. Elizabeth Lowther, of Jones Co., may appoint her sons-in-law A. C. B. Mitchell and Tennent Lomax, both of Alabama, as her executors. Proviso.

(No. 195.)

An Act to empower Elizabeth Lowther, a widow of Jones county, to appoint Americus C. B. Mitchell, of Barbour county, Alabama, and Tennent Lomax, of Montgomery county, same State, or either of them, her executors or executor, and to entitle them, or either of them, to have granted letters testamentary on her will, and to act thereunder in the same manner as if they were residents of Georgia.

5. SECTION I. *Be it enacted, &c.,* That Elizabeth Lowther, a widow of Jones county be, and she is hereby empowered to appoint her sons-in-law, viz: Americus C. B. Mitchell, of Barbour county, State of Alabama, and Tennent Lomax of Montgomery county, same State, or either of them, the executors or executor of her Will; and that they, or either of them, shall be entitled to have granted to them, or either of them, according to law, letters testamentary on her Will, and to act under such letters in the same manner as if they were residing in the State of Georgia; *Provided*, that personal service on the representatives of the estate of said Elizabeth Lowther, shall not be necessary for the commencement or progress of any suit to be instituted after her death against the representatives of her estate, but publication for thirty days of an order for their appearance in any Gazette in this State, to be indicated by the Judge of the Superior Court, for the time being, of the county where the suit is to be brought, on application of the plaintiff, or his or her attorney, either in term time or vacation, shall be sufficient, and in lieu of personal service. Elizabeth Lowther, of Jones Co., may appoint her sons-in-law, A. C. B. Mitchell, and Tennent Lomax, both of Ala., as her Executors. Proviso.

Assented to December 8, 1860.

5. MARION COUNTY.

Sec. 6. If not called for according to law, the estate of Francis Brooks to go to Martha Brooks. Sec. 7. Administrator of Francis Brooks to pay over said estate to Martha Brooks.

(No. 196.)

An Act to provide for the disposal of the estate of Frances Brooks, late of Marion county, deceased.

Preamble. Frances Brooks of Marion county, and widow of Robert Brooks having died intestate, possessed of an estate worth about twelve hundred dollars, which estate was inherited by her husband Robert Brooks, and Robert Brooks having left a daughter by a former wife, who is unable to support herself, and the said Frances having no heirs at law that are known,

6. SECTION I. *The General Assembly of the State of Georgia do enact*, That if no demand is made for the estate of the said Frances Brooks, by any heir or heirs legally entitled to the same, within the time now prescribed by law, the whole of the estate of said Frances Brooks, shall go to, and absolutely belong to Martha Brooks, daughter of Robert Brooks, deceased.

7. SEC. II. *And be it further enacted*, That the Administrator of said Frances Brooks, is hereby authorized and required to pay over and deliver the estate to the said Martha Brooks, agreeable to the foregoing provisions of this Act.

Assented to Dec. 20, 1860.

6. UPSON COUNTY.

Sec. 8. The appointment of Thomas W. Anderson, of Louisiana, as executor of James Anderson, of Upson county, legalized. Proviso.

(No. 197.)

An Act to legalize the executorship of Thomas W. Anderson, and for other purposes.

Preamble. WHEREAS, Thomas W. Anderson of the State of Louisiana, was appointed executor of the last will and testament of James Anderson deceased, late of Upson county, by the Court of Ordinary of said county, through mistake, and whereas, the said Thomas W. Anderson as executor aforesaid, has nearly executed his trust, for relief whereof:

8. SECTION I. *Be it enacted, &c.*, That the appointment of Thomas W. Anderson, of the State of Louisiana, executor of the last will and testament of James Anderson deceased, late of Upson county by the Court of Ordinary of Upson county, be and the same is hereby legalized; and that the said Thomas W. Anderson, be and he is hereby made liable for all his acts, as executor as aforesaid, in

A. P. Dearing. Adm'r.

the same way, and to the same extent, as if he had been a citizen of the State of Georgia at the time of his said appointment.

Provided, that personal service on the said Thomas W. Anderson, shall not be necessary for the commencement or progress of any suit hereafter to be instituted against the representative of said estate, but publication for thirty days in any Gazette of the State, to be indicated by an order from the Judge of the Superior Court for the time being of the county, which said suit is to be brought on application of the plaintiff, or his or her Attorney, in term time or vacation, shall be sufficient and in lieu of personal service. Provide.

Assented to December 8th, 1860.

7.—COUNTY.

Sec. 9. Sales of certain lands by A. P. Dearing administrator of William Dearing, legalized.

(No. 198.)

An Act to legalize the acts and doings of A. P. Dearing, administrator of William Dearing, deceased.

WHEREAS, A. P. Dearing, by common consent, was legally appointed administrator of his father's estate; and further by common consent, was authorized to settle all of said Estate, both real and personal by public or private sale. Preamble.

9. SECTION 1. *Therefore be it enacted*, That the sales so made by A. P. Dearing, administrator, be and the same are hereby confirmed and legalized, and all titles to land or lands, which said A. P. Dearing administrator may have sold, or may hereafter sell at private sale, shall be held good and valid as though regularly advertised by order of the Court of Ordinary, and sold at public out-cry. Sales of certain lands by A. P. Dearing Adm'r. of Wm. Dearing legalized.

Sec. II. Repeals conflicting laws.

Assented to 18th December, 1860.

On the ground that the facts in this case as shown by evidence produced to me, which do not appear on the face of the bill take it out of the general rule.

JOSEPH E. BROWN.

Governor.

TITLE XI.

INTERNAL TRANSPORTATION.

ART. I. RAILROAD COMPANIES.

- “ II. STEAMBOAT “
 “ III. TURNPIKE “
 “ IV. WHARF “

ART. I. RAILROAD COMPANIES.

1. *Coosa and Chattooga R. R.*
2. *Dalton and Jacksonville R. R.*
3. *Georgia and Alabama R. R.*
4. *Georgia Western R. R.*
5. *Macon and Brunswick R. R.*
6. *Middle Georgia R. R.*
7. *Milledgeville R. R.*
8. *Muscogee R. R.*
9. *Nashville and Chattanooga R. R.*
10. *Opelika and Talladega R. R.*
11. *Polk Slate Quarry R. R.*
12. *South-Western R. R.*
13. *Swainsboro' R. R.*
14. *Thomaston and Barnesville R. R.*
15. *Western & Atlantic R. R.*

1. COOSA AND CHATTOOGA RIVER R. R.

Section 1. County of Walker incorporated.

- “ 2. An election to be held in said county—In case a majority of the votes be for “Subscription,” the Inferior Court to subscribe for \$50,000 of stock in said R. R.—And issue county bonds for that purpose.

Section 3. Stock so subscribed, and also the taxes of said county, pledged to the redemption of said bonds.

- “ 4. Inferior Court to assess such taxes as may be necessary to pay the interest on said bonds, &c.
 “ 5. Provisions of this Act extended to Chattooga county.

(No. 199.)

An Act to authorize the counties of Walker and Chattooga to aid in the construction of the Coosa and Chattooga River Railroad by the subscription of Stock to said Road, and the issue of bonds therefor upon a vote of the citizens of said counties.

County of
Walker in-
corporated.

1. SECTION I. *Be it enacted, &c.,* That the county of Walker shall be a corporation with all the necessary powers for the purposes of this Act, and shall be represented in its corporate capacity by the Inferior Court of said county.

An election to
be held in
said Co.,

2. SEC. II. *Be it further enacted,* That on the first Monday in January, 1861, or at any time thereafter, which shall be agreed on and published by the said Inferior Court, giving at least thirty days' notice thereof at the Court-house, and in the said several election

precincts, the legal voters of Walker county shall assemble at said Court-house and several election precincts in said county, and vote county subscriptions or no county subscriptions. The election shall be held and conducted as elections are for county officers, and the returns shall be made to the Inferior Court of said county, who shall consolidate the returns and enter the result on the minutes of said Court, and if a majority of the voters shall be in favor of county subscriptions, the Inferior Court may subscribe fifty thousand dollars to the capital stock of said Company, and issue bonds of Walker county therefor to said Company, in payment of said stock at par value, in amounts not exceeding five hundred dollars each, payable in ten years from date, bearing interest at seven per cent. interest, payable semi-annually at such places as said Court may direct.

In case a majority of the voters be for subscription, the Inf. Court to subscribe for \$50,000 of stock in said R. R. And issue Co. Bonds for that purpose.

3. SEC. III. *And be it further enacted*, That the capital stock so subscribed by the county of Walker, and the resources arising from the county tax, shall be pledged for the redemption of said bonds; and said stock shall not be used for any other purpose, and all dividends arising from said stock, shall be applied to the payment of said bonds.

Stock so subscribed, and also the taxes of said County, pledged to the redemption of said Bonds.

4. SEC. IV. *Be it further enacted*, That the Inferior Court of Walker county shall assess and collect a county tax of such per cent. upon the State tax as will pay the semi-annual interest of said bonds as they become due, and such other sums as may be necessary to raise after applying the capital stock subscribed to said Company to the payment of said bonds.

Inf. Court to assess such taxes as may be necessary to pay the interest in said Bonds, &c.

5. SEC. V. *And be it further enacted*, That all the provisions of this Act be extended to the county of Chattooga.

Provisions of this Act extended to Chattooga Co.

Assented to December 6th, 1860.

2. DALTON AND JACKSONVILLE R. R.

Section 6. Dalton and Jacksonville R. R. may be extended to North Carolina State Line—May be consolidated with other Railroads in Ala. and N. Ca. | Section 7. Dalton and Jacksonville R. R. and Ga. & Ala. R. R. authorized to consolidate their stock.

(No. 200.)

An Act authorizing the Dalton and Jacksonville Railroad Company to extend their Road to the North Carolina line, and to unite and be consolidated with other Railroad Companies in Georgia, North Carolina and Alabama, and to authorize the said Company and the Georgia and Alabama Railroad Company to consolidate.

6. SECTION I. *Be it enacted* &c., That the Dalton and Jacksonville Railroad Company be, and they are hereby authorized to extend their Road from Dalton to the North Carolina State line, so as to form a connection with the system of railways authorized or to be authorized by the State of North Carolina, and the said Company under such name and style and upon such terms as may be agreed upon between them, and the other railroad companies contracting with them may unite and become consolidated with such

Dalton and Jacksonville R. R. authorized to be extended to the N. Carolina State line.

Georgia Western R. R.

May be consolidated with other R. Rd's. in Ala. and N. Carolina.

other railroad companies in the States of North Carolina, Georgia and Alabama, as by the laws of the States of North Carolina and Alabama may be authorized to unite and be consolidated with them, and the said Companies thus consolidated shall have all the rights, powers, and privileges of the several Companies thus consolidating, and may from time to time increase their capital stock and divide and subdivide the same into shares not exceeding one hundred dollars each.

Dalton and Jacksonville & Ga. & Ala. R. R. authorized to consolidate their stock.

7. SEC. II. *Be it further enacted*, That the Dalton and Jacksonville Railroad Company, incorporated February 18th, 1854, and the Georgia and Alabama Railroad Company, incorporated February, 18th, 1854, be, and they are hereby authorized and empowered to make and consolidate their stocks upon such terms as may be agreed upon by said Companies, or as may have been agreed upon by said Companies through their proper officers, and that said Companies, when united and their stock consolidated, may and shall have all the power, privileges and immunities to which either of said Companies is now entitled by their Acts of incorporation.

Assented to December 19th, 1860.

3. GEORGIA AND ALABAMA R. R.

(For Act to authorize the Dalton and Jacksonville Railroad to consolidate its stock with; See Act No. 200; An Act authorizing the Dalton and Jacksonville Railroad company to extend their Road to the North Carolina line &c.) See also, Act No. 103, to amend An Act entitled An Act, to authorize the city Council of Rome to subscribe one hundred thousand dollars of stock in the Georgia and Alabama Railroad company, upon certain conditions, and for other purposes, assented to December 22d, 1857.)

4. GEORGIA WESTERN R. R.

Sec. 8. Number of Directors of the Georgia Western R. R. may be increased to ten.

9. Governor authorized to grant to the Georgia Western R. R. the right to build their R. R. on the right of way of the Western and Atlantic R. R.

Sec. 10. Governor also authorized to grant the same privilege to the Polk Slate Quarry R. R.; *Proviso.*

(201.)

An Act to amend the charter of the Georgia Western Railroad Company, passed in the year 1854, and to authorize the Governor to grant to said Georgia Western Railroad Company, and the Polk Slate Quarry Railroad Company the right to build and construct their Railroad on the right of way of the Western and Atlantic Railroad, and for other purposes.*

S. SECTION I. *The General Assembly of the State of Georgia do enact*, That the stockholders of the Georgia Western Railroad com-

* See Acts of 1853--4, pamp. p. 440.

Macon & Brunswick R. R.

pany be, and they are hereby empowered at their next annual meeting to increase the number of Directors in said company at their option, to ten in lieu of six, as now provided in the charter of said company.

Number of Directors of the Ga. Western R. R. may be increased to ten.

9. SEC. II. That his Excellency the Governor of this State be, and he is hereby authorized to grant to the Georgia Western Railroad company the right to construct and build their Railroad on the right of way of the Western and Atlantic Railroad, within, and adjacent to the city of Atlanta, or if expedient, to any distance east of the Chattahoochee River, on the same condition as the grant to the Dalton and Gadsden Railroad company, embraced in An Act entitled An Act to authorize the Governor of this State, to grant certain rights and privileges to the Dalton and Gadsden Railroad Company, approved the 14th of December, 1859.

Governor authorized to grant to the Ga. Western R. R. the right to build their R. R. on the right of way of the Western & Atlantic R. R.

10. SEC. III. *And be it further enacted*, That his Excellency the Governor of this State be, and he is hereby authorized to grant to the Polk Slate Quarry Railroad company, the right to construct and build their Railroad on the right of way of the Western and Atlantic Railroad, within, and adjacent to the city of Marietta or if expedient to any distance east of the Kenesaw Mountain, on the same conditions as the grant to the Dalton and Gadsden Railroad company, embraced in An Act entitled An Act, to authorize the Governor of this State to grant certain rights and privileges to the Dalton and Gadsden Railroad company, approved the 14th December, 1859.

(Gov. also authorized to grant to the same privilege to the Polk Slate Quarry R. R.

Provided, The privileges of the right of way, granted by this Act, shall not extend beyond one mile from the depot in Atlanta and Marietta, for each road, and upon the said roads paying so much for the said right of way as the Governor may deem right and proper for the interest of the State.

Assented to December 20th, 1860.

5. MACON AND BRUNSWICK R. R.

Sec. 11. Macon and Brunswick R. R. may increase their capital stock to \$5,000,000.

" 12. Said Company may purchase steamships, &c.

Sec. 13. Aliens as stockholders shall have the same rights as other stockholders.

" 14. All rights, powers, &c., heretofore granted continued in force and confirmed.

(No. 202.)

An Act to facilitate the construction of the Macon and Brunswick Railroad.

11. SECTION I. *Be it enacted, &c.*, That the Macon and Brunswick Railroad company, may increase its capital stock to five millions of dollars, and establish an office or offices at such places out of the State as may be necessary for the transfer of its stock, and other business of the company.

Macon and Brunswick R. R. may increase their Capital Stock to \$5,000,000.

12. SEC. II. *Be it further enacted*, That it shall be lawful for said company to acquire steamships and other vessels, and all other property, real and personal, and to hold, use, sell, or mortgage the

Said Co. may purchase Steam Ships, &c.

Middle Georgia R. R.

same, to aid in the execution of its Railroad, and the business of the company.

Aliens as
Stock holders
may have the
same rights as
other stock-
holders.

13. SEC. III. *Be it further enacted*, That aliens who may become stockholders in said company, shall have the same rights and privileges as stockholders as citizens of this State, may be entitled to as stockholders.

All rights,
powers, &c.,
heretofore
granted con-
tinued in
force and con-
firmed.

14. SEC. IV. *Be it further enacted*. That all the powers, rights and privileges heretofore granted to said Macon and Brunswick Railroad company, are hereby continued and confirmed, until their works shall be completed; and that thereafter the corporate capacity of the same, shall continue to enable it to carry on its business with the same power and rights.

SEC. V. Repeal conflicting laws.

Assented to December 19, 1860.

6. MIDDLE GEORGIA R. R.

Sec. 15. Middle Georgia Railroad may extend a branch road to Griffin; And increase their capital stock to \$1,500,000.

" 16. In elections each stockholder entitled to one vote for each share.

Sec. 17. Number of Directors not more than nine; Proceedings of stockholders at Indian Springs legalized.

" 18. Tax to be paid by said Company one-half of one per cent on its nett income.

" 19. Office of said company to be at or near Madison.

(No. 203.)

An Act to amend An Act entitled An Act to authorize the Thomaston and Barnesville Railroad Company to construct and extend their Railroad to some point on the Railroad of the Muscogee Railroad Company, and to authorize and empower the Muscogee Railroad Company, by and with the consent of the Thomaston and Barnesville Railroad Company being first had thereto, to extend their Railroad from some convenient point on the said Muscogee Railroad to Thomaston in Upson county and for other purposes therein mentioned; and also to incorporate the Middle Georgia Railroad Company, assented to on the nineteenth day of December, 1859, so far as that, Act has reference to the Middle Georgia Railroad Company.*

Middle Georgia R. R. may extend a Branch Road to Griffin.

15. SECTION I. *Be it enacted, &c.*, That the said Middle Georgia Railroad company have the right, under their charter to extend a branch of their said Railroad to the Macon and Western Railroad at a point in or near the city of Griffin, in the county of Spalding, in said State, and to make the eastern terminus of their road, at the road of the Georgia Railroad and Banking company, in or near the town of Madison, in the county of Morgan, in said State; and that to enable them to so, they are hereby authorized to increase the capital stock of the said company to fifteen hundred thousand dollars.

And increase their Capital Stock to \$1,500,000.

In elections each stockholder is entitled to one vote for each share.

16. SEC. II. *And be it further enacted by the authority aforesaid*, That in all elections by the stockholders in said company, each stockholder shall have one vote for each share of stock he, she, or they may hold at the time.

* See Acts of 1859, pamp. p. 333.

Milledgeville R. R.

17. SEC. III. *And be it further enacted by the authority aforesaid,* That the number of Directors for said company shall consist of not more than nine, to be elected as already provided for; and that the proceedings of the stockholders at Indian Springs, on the fifteenth day of October, 1860, the election of directors, and other things pertaining to the organization of said company be, and are hereby declared legal and valid.

18. SEC. IV. *And be it further enacted by the authority aforesaid,* That the tax to be paid by said company, shall be one-half of one per cent. upon the net income from said road, until it shall be necessary to increase the same to make it pay equal to the tax paid by private persons upon their property; and that it shall never be raised beyond what is paid upon the property of private persons.

19. SEC. V. *And be it further enacted,* That the office of said company for the transaction of the business of the same, shall be at, or near the eastern terminus of said road, in or near the town of Madison.

Assented to December 6th, 1860.

7. MILLEDGEVILLE R. R.

Sec. 20. County of Baldwin incorporated.

" 21. Inferior Court of said county may subscribe to the Stock of the Milledgeville Railroad, not exceeding \$60,000; and may issue bonds to pay the same.

" 22. Capital stock of said Railroad, and all taxes raised pledged to secure said bonds; Provide.

Sec. 23. Bonds shall be issued under the hands and seals of a majority of the Court.

" 24. In case said Inferior Court levy exceeding \$10,000 in any one year, scrip is to issue to parties so paying.

(No. 204.)

An Act to authorize the Inferior Court of Baldwin county to subscribe stock in the Milledgeville Railroad company to levy and collect a special tax, and issue bonds for the payment of said stock;

20. SECTION. I. *Be it enacted, &c.,* That the county of Baldwin be and hereby is created a corporation with all the powers and liabilities necessary for the purposes of this act; and shall be represented in its corporate capacity by the Inferior Court of said county.

21. SEC. II. *And be it enacted by the authority of the same,* That the Justices of the said Inferior Court or a majority of them in compliance with the will of the citizens of Baldwin county, heretofore duly and publicly expressed, be, and are hereby authorized to subscribe in the name, and for the benefit of said county, a sum not exceeding sixty thousand dollars to the capital stock of the Milledgeville Railroad company, and for the payment of the same, or any part thereof, to assess, levy and collect a special tax, from the tax payers of the said county, not exceeding in any one year one per cent. on the amount of their taxable property, or at their discretion, to issue the bonds of the said county for the full amount of said subscrip-

Number of Directors not more than nine.
Proceedings of the stockholders at Indian Springs legalized.

Tax to be paid by said Co. $\frac{1}{2}$ of one per cent on its net income.

Office of said Co. to be at or near Madison.

County of Baldwin incorporated.

Inf. Court of said Co. may subscribe to the Stock of the Milledgeville R. R. not exceeding \$60,000.

And may issue Bonds to pay the same.

Milledgeville R. R.—Muscogee R. R.—Nashville & Chattanooga R. R.

tion, or so much thereof, as they may deem best, for the benefit of said county.

Capital Stock
of said R. R.
and all Taxes
raised
pledged to
secure said
Bonds.

Proviso.

22. SEC. III. *And be it further enacted by the authority aforesaid,* That the capital stock subscribed by Baldwin county, under the provisions of this act, as well as all the funds arising from the special tax authorized by it, be specifically pledged for the redemption of the bonds with the interest thereon, and the payment of the stock hereby authorized to be subscribed, and that the said stock bonds, or funds raised by the said special tax, shall not be used or transferred for any other purpose whatever; *provided nevertheless,* the said Inferior Court or a majority of them, shall have full power and authority to pledge the whole or any portion of the stock to any purchaser of the county bonds, as security therein, dollar for dollar, but not so as to divest the county as a stockholder, in the Milledgeville Railroad company of the control of the stock; *and provided further,* the said court may transfer to any holder of scrip issued for the payment of the special tax hereby authorized, stock equal to the amount of scrip so held.

Bonds shall
be under the
hands and
seals of a ma-
jority of the
Court.

23. SEC. IV. *And be it further enacted,* That the bonds authorized to be issued by this Act, shall be under the hand and seal of a majority of the Justices of the Inferior Court in amount, not exceeding sixty thousand dollars in sums not less than five hundred, nor exceeding ten thousand dollars, running not beyond twenty years, and within that limit at such times, and at such place or places as the court may determine, and bearing interest at seven per cent. per annum, payable semi-annually.

In case said
Inf. Court
levy a tax ex-
ceeding \$10,-
000 in one
year, Scrip is
to issue to
parties so
paying.

24. SEC. V. *And be it further enacted,* That if the said Inferior Court should prefer to levy and collect a tax sufficient to pay the whole amount of their stock subscription, or any amount exceeding ten thousand dollars, that scrip shall be issued to parties paying such special tax, and the court shall redeem such scrip, by the transfer to its holders, of an equal amount of the stock of the county in the Milledgeville Railroad company.

SEC. VI. Repeals conflicting laws.

Assented to this 6th day of December, 1360.

S. MUSCOGEE R. R.

(See Act No. 203, to amend An Act entitled An Act, to authorize the Thomaston and Barnesville Railroad company to construct and extend their Railroad, to some point on the Railroad company, &c.)

9. NASHVILLE AND CHATTANOOGA R. R.

(See Public Laws, Act No. 71, to enable parties having claims against the Nashville and Chattanooga Railroad company in the State of Georgia, to perfect service upon said company, and for other purposes.)

10. OPELIKA AND TALLADEGA R. R.

(See Act No. 97, to ratify and make valid the Ordinances and Resolutions of the Mayor and Council of Columbus in reference to any subscription heretofore made by said Mayor and Council, to the stock of the Opelika and Talladega Railroad Company.)

11. POLK SLATE QUARRY R. R.

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| <p>Sec. 25. South Western R. R. may construct a Branch Road from Albany or Dawson to the Chattahoochee river.</p> <p>" 26. Said county may increase their capital stock \$1,000,000.</p> | <p>Sec. 27. South Western R. R. may increase their capital stock not exceeding \$500,000.</p> <p>" 28. Which shall be liable to the same tax as now paid by individuals on property.</p> |
|--|--|

(No. 205.)

An Act to amend the several Acts of the General Assembly, relating to the South Western Railroad company, and to authorize the said company to construct a Branch Railroad, and for other purposes.*

25. SECTION I. *Be it enacted, &c.,* That the South Western Railroad company of this State, are hereby authorized to construct a Branch Railroad from Albany or Dawson, or any point West of Dawson on their line of road, to such place on the Chattahoochee river, or on the Florida line, as the said company may select, and that said company shall have for these purposes, all the rights, privileges and powers, conferred by their charter of incorporation and the Act amendatory thereto.

26. SEC. II. *Be it further enacted, by the authority of the same,* That said company are hereby empowered and authorized to increase their capital stock one million of dollars, and said additional capital stock shall be subject and liable to pay the same rates of tax to the State of Georgia, that is now required of the said South Western Railroad company, and such additional tax as the Legislature may hereafter impose.

SEC. III. Repeals conflicting laws.

Assented to 18th Dec. 1860.

* See Acts of 1845, incorporated, pamp. p. 116; amended 1847, pamp. p. 116, 183; amended 1850, pamp. p. 237, 245; also amended in Acts of 1861-2, pamp. p. 133-3-4-5; and An Act of consolidation with the Muscogee Railroad company; see Public Laws of 1855-6, pamp. p. 187; again amended in Public Laws of 1859, pamp. p. 329.

12. SOUTH WESTERN R. R. CO.

(No. 206.)

An Act further to amend the Charter of the South Western Railroad Company, and to authorize a further increase of the Capital Stock of said Company, and for other purposes.*

27. SECTION I. *Be it enacted, &c.,* That the President and Directors of the South Western Rail Road Company, be, and they are hereby authorized to increase the Capital Stock of said Company beyond the sum of three millions five hundred thousand

* See Note in above Act of No. 205.

South Western R. R. may construct a Branch Road from Albany or Dawson to the Chattahoochee River.

Said Co. may increase their Capital Stock \$1,000,000.

South Western R. R. may increase their Capital Stock not exceeding \$500,000.

Swainsboro Branch R. R.

dollars, now allowed, and to issue stock therefor, for any sum or sums not exceeding five hundred thousand dollars.

Which shall be liable to the same tax as now paid by individuals on property.

28. SEC. II. *And be it further enacted*, That such increased capital Stock of said South Western Rail Road Company authorized by this Act, as may from time to time be used by said Company for Rail Road purposes, shall pay the same rate of tax to the State, as is, or shall, be payable to the State by individuals on their property.

Assented to December 10th, 1860.

13. SWAINSBORO BRANCH R. R.

SECTION 29. Swainsboro Branch R. R. incorporated.

“ 30. An election to be held for five Directors of said Company, after the Commissioners have obtained \$100,000 in bona fide subscriptions.

SECTION 31. The Directors so elected may construct a R. R. from some point on the C. R. R. to Swainsboro, in Emanuel County.

(No. 207.)

An Act to incorporate the Swainsboro Rail Road Company.

Swainsboro Branch R. R. incorporated.

29. SECTION I. *Be it enacted, &c.*, That John R. Prescott, Duncan McLeod, Joel J. Marring, A. L. Kirkland, and A. C. Brinson, and their associates, be, and they are hereby created a body politic, by the name and style of the Swainsboro Branch Rail Road Company, and by that name shall sue and be sued, and have the usual privileges incident to Rail Way Corporations.

An election to be held for five Directors of said Co.

30. SEC. II. *And be it further enacted*, That the Commissioners named in the first Section, or a majority of them, are hereby authorized to give thirty days notice in any public Gazette, which is circulated in the county of Emanuel, and at the door of the Court House in said county, for the election of five Directors of said Company, under the superintendence of said Commissioners, said election not to take place until said Commissioners shall have received bona fide subscription to the amount of not less than one hundred thousand dollars, for the construction of said Rail Road.

After the Comrs. have obtained \$500,000 in bona fide subscriptions.

The Directors so elected may construct a R. R. to Swainsboro in Emanuel County.

31. SEC. III. *Be it further enacted*, That the Directors so elected shall have authority to build and construct a Rail Road from some point on the Central Rail Road, between the seventy-nine and one hundred mile Stations, on said Rail Road to Swainsboro, in the county of Emanuel—and said Rail Road Company hereby incorporated, shall have all the powers, rights, and privileges, heretofore conferred on the Central Rail Road & Banking Company of Georgia, by the Act of incorporation, and various amendments thereto, except the Banking privileges, and freedom from taxation beyond certain limits, and shall proceed in accordance with the same.

SEC. IV. Repeals conflicting laws.

Assented to December 20th, 1860.

14. THOMASTON & BARNESVILLE R. R.

(For Act to change the name of the “Upson County R. R.” see Act No. 208, next page.)

15. UPSON COUNTY, R. R.

Sec. 32. Upson County R. R. incorporated.

" 33. Shares to be \$30. Number of Directors five.

" 34. Powers, privileges &c., of the Thomaston and Barnesville R. R. extended to Upson county R. R.

Sec. 35. Said Upson county R. R. may sell or lease said R. R. to any other R. R. Co.

(No. 20S.)

An Act to alter and change the name of the Thomaston and Barnesville Railroad Company, to that of the Upson county Railroad Company, to incorporate the same, and for other purposes.

WHEREAS, the Thomaston and Barnesville Railroad Company, who had built and put in operation a railroad from the town of Barnesville in Pike county, to the town of Thomaston in Upson county, became embarrassed and in debt, and the said company's railroad bed, right of way, depot grounds and buildings, were levied upon, advertised and sold by the Sheriff of Upson county, under judgments and executions, on the first Tuesday in May, 1860, at which sale, Andrew J. White, Curren Rogers, Woodson & Bowdrie, William Low, James Trice, B. B. White, James M. Middlebrook, Jesse Stephens, Thomas S. Sherman, B. B. King, D. R. Beall, Duke Williams, Thomas Cauthron, Simeon Rogers, John C. Drake, Isaac Cheney, James M. Smith, Benjamin Bethell, David Kendall, Sylvanus Gibson, William Spivey, Jonathan Colquitt & Co., John Traylor, William A. Cobb, William Stephens and Daniel Denham, became the purchasers; and whereas, it is desirable that an act of incorporation shall be passed for the benefit and protection of said purchasers and property.

32. SECTION I. *Be it therefore enacted, &c.,* That the aforementioned persons, together with all others, that have been or may hereafter become associated with them in the ownership of said railroad, be and they are hereby incorporated, and constituted a body politic and corporate, and shall be known by the name and style of the Upson county Railroad Company, and by that name shall hereafter be known, and be capable of suing and being sued, pleading and being impleaded in any of the courts of this State having competent jurisdiction.

33. SEC. II. *Be it further enacted,* That the capital stock of said company shall be divided into shares of thirty dollars each, and for which shares certificates of ownership may be issued to the owners thereof, signed by the President and Secretary, and the same shall be transferable on the books of said company, or by written transfer on the back of said certificates for value received; and in all meetings of the stock-holders of said Upson county Railroad Company, for the election of President and Directors and other officers, each stock-holder shall be entitled to one vote for each of the stock, he, she, or they may hold or control; and the number of directors of said company shall be limited to five, one of whom shall be the

Preamble.

Upson Co. R. R. incorporated.

Shares to be \$30 each.

Number of Directors of said Co. shall be five.

Western & Atlantic R. R.—Skidaway Shell Road Company.

President of said company, and the presence of any two of said directors and the President, shall constitute a quorum and be capable of transacting business.

Powers, privileges &c. of the Thomaston & Barnesville R. R. extended to the Upson Co. R. R.

34. SEC. III. *And be it further enacted*, That all the powers, privileges, rights, and immunities conferred on the Thomaston and Barnesville Railroad Company, by the act incorporating the same, passed the 23d day of December, 1839, and all the subsequent acts reviving and amending the same, be and they are hereby conferred on, and made a part of the charter of the Upson county Railroad Company.

Said Upson Co. R. R. may sell or lease said R. R. to any other R. R. Co.

35. SEC. IV. *And be it further enacted*, That the said Upson county Railroad Company shall have power and they are hereby authorized to lease, rent or sell its said railroad, its appurtenances and franchises, to any other incorporated Railroad Company of this State, and the incorporated company leasing, renting or buying the same, shall succeed to all the rights, privileges and immunities to which the said Upson county Railroad Company are entitled under this act, and no more.

Assented to December 6th, 1860.

16. WESTERN & ATLANTIC R. R.

(For Acts in relation to, see Public Laws, title "Western and Atlantic Railroad.)

ART. II.—SHELL ROADS.

1. SKIDAWAY SHELL ROAD COMPANY.

Sec. 36. Charter of the Skidaway Shell Road Company, assented.

(No. 209.)

*An Act to amend an Act entitled an Act, to incorporate the Skidaway Shell Road Company, and for other purpose therein named, assented to 22d December 1857.**

Charter of the Skidaway Shell Road Co. amended.

36. SECTION I. *Be it enacted*, That the said Skidaway Shell Road Company, be and it is hereby authorized to shell that portion of the Thunderbolt or Warsaw Road, leading directly from the Skidaway Shell Road, and also, the road leading from said Skidaway Shell Road, to the place known as Bonaventure, now the property of William Henry Wilkbuger, subject to all the franchises and privileges granted by the charter, to which this act is an amendment and subject to the same restriction.

SEC. II. Repeals conflicting laws.

Assented to Dec. 20th, 1860.

* See Acts of 1857, pamph. p. 87.

ART. III.—STEAMBOAT COMPANIES.

1. ALABAMA PLANTERS STEAMBOAT COMPANY.

Sec. 37. Corporators--- Alabama Steamboat Company incorporated.	Sec. 41. Stock-holders may pass all by-laws &c., proviso.
" 38. Capital stock 500 shares of \$50.	" 42. Present Board of Directors to serve until the next annual meeting
" 39. Said Company may buy steamboat or other vessels.	" 43. Property of stock-holders bound in proportion to the amount of their stock.
" 40. Directors to be elected annually by the stock-holders.	" 44. Charter to continue in force twenty years.

(No. 210.)

An Act to incorporate the Alabama Planters Steamboat Company.

37. SECTION I. *Be it enacted, &c.,* That N. J. Bayard, G. P. Burnett, W. J. Bennett, F. M. Hardwick, W. W. Anderson, Gideon E. Coates, or any of them and their associates, now connected in the steamboat business in navigating Coosa and Oostenaula rivers, and their successors shall be and are hereby constituted a body politic and corporate, by the name and style of the Alabama Planters Steamboat Company, and by that name may sue, and be sued, plead, and be impleaded, have and use a common seal, and make such by-laws, rules and regulations as the stockholders and Directors may deem expedient, provided, the same be not repugnant to the laws of this States, or the United States, and may hold, purchase, receive, enjoy, sell and transfer, real and personal estate of such description and quantity as the necessity of their business may require.

Corporators.

Alabama Steam Boat Co., incorporated.

38. SEC. II. *Be it further enacted,* That the capital stock of said company shall consist of five hundred shares, of fifty dollars each, with the privilege of using and employing such less sum as they may see fit and proper.

Capital Stock 500 shares of \$50.

39. SEC. III. *Be it further enacted,* That said company shall be authorized to buy steamboats of any description, and to buy other boats or vessels as they may find convenient to navigate for the transportation of freight or passengers or both, any of the waters of Georgia, in common with other companies and private individuals.

Said Co. may buy Steam Boats or other vessels.

40. SEC. IV. *Be it further enacted,* That the business of said company shall be conducted and managed by directors, to be elected annually, on the first Monday in May, by the stock-holders. The scale of voting to be according to the number of shares held by each, but no stock-holder to be entitled to more than fifty votes.

Directors to be elected annually by the stockholders.

41. SEC. V. *Be it further enacted,* That the stock-holders shall at their annual meetings, have the power and authority to make all necessary by-laws or regulations relative to the time and place of meeting, call meetings, officers, books and papers, dividends, and all

Stockholders may pass all by-laws, &c.

Dawson Turnpike Company.

Proviso. other matters appertaining to said business, provided such by-laws or regulations do not conflict with any law of the State.

Present board of Directors to serve until the next annual meeting. 42. SEC. VI. *Be it further enacted*, That until the next annual meeting the business of said company shall be transacted by the present board of directors.

Property of stockholders bound in proportion to the amount of their Stock.

43. SEC. VII. *And be it further enacted*, That the property of the stock-holders shall be bound for all contracts or liabilities made or incurred by said company, in proportion to the amount of their stock, and all transfers of stock which may be made within six months previous to the failure of said company, shall not release the property of such stock-holder so transferring the same, from any liability which was incurred by said company.

Charter to continue in force twenty years.

44. SEC. VIII. *Be it further enacted*, That this charter shall continue of force for twenty years from the passage of this act, subject to a renewal by the Legislature.

Assented to Dec. 6th, 1860.

ART. IV.---TURNPIKE COMPANIES.

1. DAWSON TURNPIKE COMPANY.

SEC. 45. Corporators Dawson Turnpike Co. incorporated.

" 46. Capital stock not to exceed \$10,000. The terms, amounts &c. of the subscriptions to be regulated by the corporators.

" 47. Shares of stock to be \$100. Each share entitled to one vote.

" 48. Company not to be organized until \$1,000 has been subscribed.

SEC. 49. All laws, rights &c. acquired by said Co. shall invest in the stockholders, their heirs, &c.

" 50. Such Co. may charge such tolls as they may think proper.

" 51. Stockholders liable to the amount of the stock by them respectively held. Proviso.

(No. 211.)

An Act to lay out and incorporate the Dawson Turnpike Road Company.

Corporators.

45. SECTION I. *Be it enacted, &c.*, That, from and after the passage of this Act, Benjamin Hamilton, M. H. Vandike, L. D. Davis, Zion Sprigs, A. J. Sprigs, John C. Clarke, Henry Sherfield and Elisha Hunt, or a majority of them, and their successors in office, are hereby declared and constituted a body corporate, by the name of Dawson Turnpike Company, for the purpose of constructing a turnpike road from Elisha Hunt's, in the county of Fannin, by the way of the Turner Place, on the Blue Ridge, thence to Dawson county, by the most practicable route.

Dawson Turnpike Co. incorporated.

Capital Stock not to exceed \$10,000.

The terms, amounts, &c., of the subscriptions to be regulated by the Corporators.

46. SEC. II. *Be it further enacted, &c.*, That the capital stock of said company shall not exceed ten thousand dollars, and that the subscriptions to the same shall be regulated by the persons hereinbefore named, or a majority of them, and their associates, as to the number of shares, the time, places, manner and mode of subscriptions, the amount to be paid in as the aforementioned names shall direct, and the mode of payment, with full power to declare forfeitures under certain rules before prescribed, when the stock-

holders fail to comply, and do all things to insure the prompt payment of the several instalments of stock, when required; *provided* that such regulations, when adopted, shall be general, and operate on all alike.

47. SEC. III. *And be it further enacted, &c.,* That the capital stock of said corporation shall be divided into shares of one hundred dollars, to be assignable and transferable according to such regulations as said company may adopt; and all questions arising at business meetings, each stockholder shall be entitled to one vote for each share he may own; *provided nevertheless*, that the subscription for stock shall be registered in a book, to be provided by said corporation, which shall at all times be open to the inspection of the stockholders.

Shares of
Stock to be
\$100.

Each share
entitled to
one vote.

48. SEC. IV. *And be it further enacted, &c.,* That said company shall not be considered as organized until stock to the amount of one thousand dollars shall be subscribed, after which the stockholders shall elect five more directors to manage the property, business and affairs of said corporation, one of whom shall be appointed President by the other directors, which directors shall be chosen annually, at such time and place as the directors in office may determine upon; *provided nevertheless*, that the directors for the time being shall serve until their successors shall be elected, and they or a majority of them shall form a quorum for the transaction of business, and shall have power to make all such by-laws, rules and regulations as to them may appear fit and proper touching the management of the road to be constructed, and effects of the corporation, and all such matters as shall appertain to the same, not inconsistent with the Constitution and laws of this State; and they shall have power to employ such officers, agents and laborers as they may deem necessary for the transaction of the business of said corporation, and to displace, remove and discharge such officers, agents or laborers at pleasure.

Co. not to be
organized un-
til \$100,000
has been sub-
scribed.

Directors
shall choose a
President
from their
number.

Proviso.

May pass all
necessary by-
laws, &c.

49. SEC. V. *And be it further enacted,* That all lands, rights and property acquired by said company, with said road, shall be in vested in the respective stockholders, their heirs, legal representatives or assigns, forever, in proportion to their respective shares.

All lands,
rights, &c.,
acquired by
said Co. shall
invest in the
Stockholders,
their heirs,
&c.

50. SEC. VI. *And be it further enacted, &c.,* That the said company are invested with the rights and power of exacting and demanding such tolls for persons or property passing over and upon said road, as they may require, and from time to time fix and establish; that, for the purpose of collecting said tolls, said company shall have power to erect such number of toll-gates upon said road, and at such places as they may deem and judge best and most convenient.

Said Co. may
charge such
tolls as they
may think
proper.

51. SEC. VII. *And be it further enacted, &c.,* That the stockholders of said company may be made liable for the debts of said company to the amount of stock by them respectively taken or owned, but for no greater amount; *provided* said company shall comply with the provisions of this charter within two years from the time this Act takes effect; *provided*, that the Legislature hereby reserves

Stockholders
liable to the
amount of the
Stock by
them respec-
tively held.

Proviso.

Savannah Western and Central Wharf Company.

the right to alter, modify or change the corporate rights and privileges hereby granted, at pleasure.

SEC. VIII. Repeals conflicting laws.

Assented to December 6th, 1860.

ART. V.—WHARF COMPANIES.

1. SAVANNAH WESTERN AND CENTRAL WHARF COMPANY.

SEC. 52. Purposes of the organization. Cor-
porators Savannah Western & Central Wharf Co. incorporated.
“ 53. Capital stock \$20,000, in shares of \$100; may be increased to \$100,000.

SEC. 54. Said Co. may possess and enjoy all rights and privileges which the C. R. R. & Banking Co. possess, except banking, and exemption from taxation.

(No. 212.)

An Act to incorporate the Savannah Western & Central Wharf Company.

Purpose of the organization.

Corporators.

Savannah, Western & Central Wharf Co. incorporated.

Powers, &c.

Proviso.

52. SECTION I. *Be it enacted, &c.*, That, for the purpose and with the power of constructing, equipping, maintaining and operating a rail road from some point on the track of the Central Rail Road & Banking Company of Georgia, within three miles of the Ogeechee Canal, crossing to the Savannah River, with wharves, store-houses, cotton-presses, and all other appliances necessary to accommodate the business relating thereto, and also with power to charge and collect wharfage, storage, drayage, and cotton pressage,—the Hon. William H. Stiles, Joseph C. Stiles, J. Avery Skelton, Henry L. Palmer, and those who may be associated with them, their successors and assigns, shall hereafter be a body corporate, under the name and style of the Savannah Western & Central Wharf Company, and by such corporate name shall be capable in law to hold, sell and lease real estate and personal property of all kinds, to make contracts and be contracted with, to sue and be sued, to plead and be impleaded, to answer and be answered unto, in any and all of the Courts of this State, to make by-laws, and do all lawful acts properly incident to a corporation and necessary and proper to the transaction of the business for which it is incorporated, to have and use a common seal, and the same to alter and destroy at its pleasure; *provided* that before said rail road shall be connected with the track of the Central Rail Road, the assent of the Central Rail Road & Banking Company of Georgia shall be obtained thereto; and *provided* that the said rail road track shall not be constructed without the consent of the City Council of Savannah being first obtained; and *provided also*, that nothing herein contained shall be so construed as to prevent any other rail road track from uniting with or crossing the rail road track of the said Savannah Western & Central Wharf Company.

53. SEC. II. *Be it further enacted*, That the capital stock of said

W. A. Choice, of Fulton.

company shall be twenty thousand (20,000) dollars, in shares of one hundred (100) dollars each, but may be increased to a sum not exceeding one hundred thousand (100,000) dollars, whenever it may be deemed expedient by a majority of the directors of said corporation for the time being.

Capital Stock
\$20,000 in
shares of
\$100.
May be in-
creased to
\$100,000.

54. SEC. III. *Be it further enacted*, That said company shall possess and enjoy all the rights, immunities and privileges which are possessed and enjoyed by the Central Rail Road & Banking Company of Georgia, except the privileges of banking, exemption from taxation, and the right to take land by appraisement, and shall be subject to such liabilities and restrictions as are incident to and binding upon said company.

Said Co. may
possess and
enjoy all
rights, privi-
leges, &c.,
which the C.
R. R. & Bank-
ing Co. of Ga.
possesses.
Except Bank-
ing and ex-
emption from
taxation.

SEC. IV. Repeals conflicting laws.

Assented to December 18th, 1860.

TITLE XII.

PARDONS.

1. W. A. CHOICE, OF FULTON COUNTY.

Sec. 1. W. A. Choice, of Fulton county, under sentence of death, pardoned, and ordered to be placed in the Lunatic Asylum.

(No. 213.)

An Act to pardon William A. Choice, of the county of Fulton, now under sentence of death for the crime of murder, and to place him in the Lunatic Asylum.

WHEREAS, A bill for the pardon of William A. Choice passed the General Assembly of Georgia at its last session, and was vetoed by his Excellency the Governor; and said bill at the close of last session stood as reconsidered, and no further action by the General Assembly being had thereon; and whereas, since the last session of the General Assembly further testimony has been procured clearly indicating that said William A. Choice labors at times under mental derangement, substantiating more fully the plea set up in his defence on his trial—Therefore,

Preamble.

1. SEC. I. *Be it enacted, &c.*, That William A. Choice, of the county of Fulton, now under sentence of death, be, and he is hereby pardoned from all the pains and penalties of the said sentence of death; and that the Sheriff of Fulton county be, and he is hereby directed to discharge said William A. Choice from confinement; and that said William A. Choice shall be placed in the Lunatic Asylum of Georgia, and kept therein, upon a properly certified copy of this Act of pardon having passed the General Assembly.

W. A. Choice
of Fulton Co.
under sen-
tence of death
for the crime
of murder
pardoned.
And ordered
to be placed
in the Lunatic
Asylum.

In House of Representatives.—Passed over the Executive veto by a

Bryan County.

constitutional majority of two-thirds, the vote being, ayes 79, and nays 31.

December 13th, 1860.

CHAS. J. WILLIAMS,

Speaker of the House of Representatives.

GEO. HILLYER, *Clerk of the House of Representatives.*

In Senate.—Passed by a constitutional majority of two-thirds, over the veto of his Excellency the Governor, the vote being ayes 56, and nays 18.

December 13th, 1860.

T. L. GUERRY, *President of the Senate.*

FRED. H. WEST, *Secretary of the Senate.*

TITLE XIII.

PATROLS.

1. *Bryan County.*
2. *Dooly* “
3. *Effingham* “
4. *McIntosh* “
5. *Mitchell* “

1. BRYAN COUNTY.

Sec. 1. Patrol laws changed so far as relates to Bryan county.

“ 2. A board of Police for 20th Dist. of Bryan Co. appointed to regulate the Police in said District.

“ 3. Annual election to be held for five persons to act as a board of Police.

Sec. 4. A tax to be levied on each slave-holder in said District: not more than fifty cents per head on his slaves. Proviso.

“ 5. Persons residing in said District who own no slaves subject to the general patrol laws of this State.

(No. 214.)

An Act to alter the Patrol Laws of this State so far as relates to the twentieth District G. M. of Bryan county, and to establish by law a system of mounted Police for said District.

1. SECTION I. *Be it enacted, &c.,* That the Patrol Laws of this State be in part changed and altered, so far as relates to the twentieth District of Bryan county.

Patrol Laws changed so far as relates to Bryan Co.

A Board of Police for 20th Dist. of Bryan Co. appointed.

Who are to regulate the Police in said District.

2. SEC. II. *Be it further enacted,* That John P. Hines, Joseph L. McAllister, Richard I. Arnold, William Patterson, and John P. Maxwell, and their successors in office be, and they are hereby constituted and appointed a Board of Police for the twentieth District of Bryan county, whose duty it shall be to regulate the number of mounted police employed under the provisions of this Act, appoint and remove the same at pleasure; prescribe all necessary rules and regulations for their government and discip-

Dougherty County.

line, adjust the rate of their compensation, and exercise a general supervisory control over all matters appertaining thereto.

3. SEC. III. *Be it further enacted*, That on the second Saturday in January, eighteen hundred and sixty-one, and annually thereafter, an election shall be held at the usual place of holding Justice's Court in said District, to be presided over by the commissioned Magistrates in said District, for five (5) persons to act as a Board of Police, also shall hold their offices until their successors shall be elected by the qualified voters of said District.

Annual election to be held for five persons to act as a board of Police.

4. SEC. IV. *Be it further enacted*, That means shall be provided for the support and maintenance of said mounted Police, by the payment on the second Saturday in each and every year by every slave owner, of a tax not more than fifty cents per head, on his or her slaves, as returned on the Tax Digest for the said District; the same to be collected by this Board through their Secretary; and, in the event of any slave owner refusing to pay said tax, it shall be the duty of the Board to issue an execution against said delinquent, which execution shall be levied and collected as other executions now are; *Provided*, that all owners of slaves who reside on their plantations at all times of the year, shall be exempted from the operation of this section.

A tax to be levied on each slaveholder in said District. Not more than fifty cents per head on his slaves.

Proviso.

5. SEC. V. *Be it further enacted*, That persons residing in said District who own no slaves, and are not subject to the payment of any tax imposed by this Act, shall continue subject to the general patrol laws of this State.

Persons residing in said District who own no slaves subject to the general Patrol Laws of this State.

SEC. VI. Repeals conflicting laws.

Assented to December 17, 1860.

2. DOUGHERTY COUNTY.

Sec. 6. J. P. in Dougherty County made Patrol Commissioners in said Co. | Sec. 7. They may also act in an adjoining District.

(No. 215.)

An Act to alter and amend an Act, entitled an Act, to alter and amend the Patrol Laws of this State, approved February 20th, 1854 so far as relates to the county of Dougherty.*

6. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, the Justices of the Peace of the county of Dougherty, shall, and they are hereby declared to be the Patrol Commissioners for the said county, and that the appointment of Patrol Commissioners by the Justices of the Inferior Court, so far as relates to the county of Dougherty for the future, shall be dispensed with.

J. P. in Dougherty Co. made Patrol Commrs. in said Co.

7. SEC. II. *Be it further enacted*, That should any Militia District fail or neglect to elect Justices of the Peace, then the duties of Patrol Commissioners shall, and may be discharged for said District by the Justices of the Peace, in any adjoining District of said county.

They may so act in an adjoining District.

SEC. III. Repeals conflicting laws.

Assented to December 18, 1860.

* See Public Laws of 1853 and 1854, pamph. p. 101.

3. EFFINGHAM COUNTY.

Sec. 8. Act of Feb. 20, 1851, amending the Patrol Laws of this State, amended so far as relates to Effingham County.

(No. 216.)

An Act amendatory of an Act to amend the Patrol Laws of this State, approved February 20th, 1854, so far as relates to the county of Effingham.*

Act of Feb.
20th, 1851,
amending the
Patrol Laws
of this State,
amended so
far as relates
to Effingham
Co.

S. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the aforesaid Act shall be altered, so that it shall not be necessary for the Justices of the Inferior Court of Effingham county, to appoint the Commissioners of Patrols, designated by said Act; but that the said Justices of the Inferior Court, shall be *ex officio* Patrol Commissioners, and do, and perform all the duties imposed upon said Commissioners by said Act.

Assented to December 19, 1860.

* See Acts of 1853 and 1854, pamph. p. 101.

4. MCINTOSH COUNTY.

Sec. 9. Inferior Court of McIntosh Co., to ap- Sec. 12. Each Tax payer in said Districts shall

point a Board of five Commissioners.
" 10. Said Board to regulate the Police of
said county.

pay not less than 25 cts., nor more

than \$1 per capita on each slave.

" 11. Members of said Board may fill va-
cancies, &c.

" 13. Said Police shall have Constabulary
authority.

(No. 217.)

An Act to establish a mounted Police in the county of McIntosh, to levy a tax upon the slaveholders of the two hundred and seventy-first and twenty-second Districts Georgia Militia in said county, and for other purposes therein mentioned.

Inf. Court of
McIntosh Co.
to appoint a
Board of five
Comrs.

9. SECTION I. *The General Assembly of the State of Georgia do enact,* That the Inferior Court, or a majority of the Justices of said Court of said county of McIntosh, shall, at their earliest convenience, after the passage of this act, appoint five Commissioners, who shall continue in office until the second Wednesday in January, 1861, and whose successors shall be elected on said second Wednesday in January, 1861, and annually thereafter on the same day and month, in the city of Darien, at which election all qualified voters of said two hundred and seventy-first and twenty-second Districts, who are made subject to the tax hereinafter mentioned, shall be entitled to vote under the usual legal forms.

Said Board to
regulate the
Police of said
county.

10. SEC. II. *Be it further enacted,* That it shall be the duty of this Board to appoint a Secretary to regulate the number of mounted Police, appoint and remove the same, at pleasure, from office, prescribe all necessary rules and by-laws for their government and discipline, and adjust their rates of compensation, and exercise a general supervisory control over all matters appertaining thereto, including the issuing of executions against delinquent tax payers hereinafter mentioned.

Mitchell County.

11. SEC. III. *And be it further enacted*, That the members of said Board of Commissioners shall hold over until their successors have been elected and taken their seats; and all vacancies occurring in said Board from death or resignation, shall be filled by a majority vote of the remaining members of said Board; and in the event said Board becomes extinct from either or both of said causes, it shall be the duty of said Secretary to order an election to fill said Board by a public notice in the aforesaid Districts of the time and place of holding said election, at least twenty days before said election takes place.

Members of said Board may fill vacancies, &c. Each tax payer in said District shall pay not less than 25 cts nor more than \$1 per capita on each slave.

12. SEC. IV. *And be it further enacted*, That means shall be provided for the support and maintenance of said mounted police, by the payment, on the second Wednesday in January, 1861, and on the same day of the same month in each succeeding year, by each slaveholder in the aforesaid Districts, of a tax of not more than one dollar, nor less than twenty-five cents, per capita, on his or her slave or slaves, as returned on the Tax Digest for said county; *Provided*, the same is in accordance with the recommendation of the Grand Jury of said county, after the tax for the year 1861, has been paid; the said tax to be collected by the Board of Commissioners through their Secretary in office, who shall be elected annually by said Board, and give bond and security payable to said Board of Commissioners and their successors in office, for double the amount of said tax, for the faithful discharge of the duties of his office, and who shall receive such compensation for his services as said Board may deem reasonable; said tax to be collected and enforced under the usual penalties of execution and levy at the hands of the county Sheriff; *Provided* that all owners of slaves, who reside on their plantations at all times of the year, be exempt from the tax imposed by this Act.

Tax to be collected by said Board.

13. SEC. V. *And be it further enacted*, That the Police created under this Act, shall have constabulary authority throughout the county of McIntosh; and any clause in the charter of the city of Darien which conflicts with this Act, is hereby repealed.

Said police shall have Constabulary authority.

SEC. VI. Repeals conflicting laws.

Assented to December 19, 1860.

5. MITCHELL COUNTY.

Section 14. Duty of J. P. in Mitchell county to appoint Patrol Commissioners.

(No. 218.)

An Act to authorize Justices of the Peace in Mitchell county to appoint Patrol Commissioners for said county.

WHEREAS, The Justices of the Inferior Court of Mitchell county has heretofore, and still neglects to comply with the requirements of the law appointing Patrol Commissioners for said county of Mitchell; and whereas, there is no restraint against the negroes in said county from strolling over said county, to the detriment and molestation of the good citizens thereof:

Preamble.

Clayton—Cobb—Crawford—Dougherty—Effingham—Emanuel—Houston.

Duty of J. P.
in Mitchell
Co. to appoint
Patrol Com-
missioners.

14. SECTION I. *Be it enacted, &c.*, That it shall be the duty of the Justices of the Peace in the respective Districts of said county, to appoint annually on their court days in January, or at any other day, three Commissioners, whose duty it shall be to see that the patrol laws are executed as the laws now require, in as full and authoritative a manner as if said Commissioners had been appointed by the Inferior Court.

SEC. II. Repeals conflicting laws.

Assented to December 19th, 1860.

TITLE XIV.

PEDLERS.

- | | |
|------------------------|----------------------------|
| 1. <i>Clay County.</i> | 11. <i>Lowndes County.</i> |
| 2. <i>Clayton</i> “ | 12. <i>Macon</i> “ |
| 3. <i>Cobb</i> “ | 13. <i>Oglethorpe</i> “ |
| 4. <i>Crawford</i> “ | 14. <i>Polk</i> “ |
| 5. <i>Dougherty</i> “ | 15. <i>Quitman</i> “ |
| 6. <i>Effingham</i> “ | 16. <i>Scriven</i> “ |
| 7. <i>Emanuel</i> “ | 17. <i>Taylor</i> “ |
| 8. <i>Houston</i> “ | 18. <i>Twiggs</i> “ |
| 9. <i>Irwin</i> “ | 19. <i>Worth</i> “ |
| 10. <i>Liberty</i> “ | |

1. CLAY COUNTY.

(See Act No. 219, “To prevent the peddling of spirituous liquors in the county of Worth, and other counties therein named.”)

2. CLAYTON COUNTY.

(See same Act.)

3. COBB COUNTY.

(See same Act.)

4. CRAWFORD COUNTY.

(See same Act.)

5. DOUGHERTY COUNTY.

(See same Act.)

6. EFFINGHAM COUNTY.

(See same Act.)

7. EMANUEL COUNTY.

(See same Act.)

8. HOUSTON COUNTY.

(See same Act.)

9. IRWIN COUNTY.

(See same Act.)

10. LIBERTY COUNTY.

(See same Act.)

11. LOWNDES COUNTY.

(See same Act.)

12. MACON COUNTY.

(See same Act.)

13. OGLETHORPE COUNTY.

(See same Act.)

14. POLK COUNTY.

(See same Act.)

15. QUITMAN COUNTY.

(See same Act.)

16. SCRIVEN COUNTY.

(See same Act.)

17. TAYLOR COUNTY.

(See same Act.)

18. TWIGGS COUNTY.

(See same Act.)

19. WORTH COUNTY.

Section 1. No person shall peddle spirituous liquors in the county of Worth— Provide.	}	Section 2. Any person so doing guilty of a misdemeanor. “ 3. Provisions of this Act extended to the counties of Emanuel, &c.
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(No. 219.)

An Act to prevent the peddling of Spirituous Liquors in the county of Worth, and other counties herein named.

1. SEC. I. *Be it enacted, &c.*, That from and after the passage of this Act, it shall not be lawful for any person to peddle or haul about, or carry about for sale, any spirituous liquors any where in the county of Worth, or to sell the same in any quantity, except at some stationary point; *Provided*, that nothing in this Act shall be so construed as to prohibit any one from manufacturing and selling spirituous liquors at home, or conveying the same abroad for the purpose of selling the same to merchants or grocers for the purpose of a retail by them of said liquor.

2. SEC. II. Any person violating the first section of this Act shall be liable to indictment for a misdemeanor, and on conviction shall be subject to the same punishment as is now provided by law for violating the law against retailing without license.

3. SEC. III. *Be it further enacted by the authority aforesaid*, That all the provisions of this Act be, and the same are hereby extended to

No person shall peddle spirituous liquors in the Co. of Worth.

Provide.

Any person so doing guilty of a misdemeanor.

Provisions of this Act extended to the County of Emanuel, &c.

Dade—Elbert.

the counties of Emanuel, Clayton, Scriven, Dougherty, Quitman, Houston, Taylor, Macon, Oglethorpe, Clay, Effingham, Crawford, Twiggs, Polk, Liberty, Cobb, Lowndes and Irwin.

Sr.C. IV. Repeals conflicting laws.

Assented to December 17th, 1860.

TITLE XV.

PHYSICIANS.

1. *Dade County.*

2. *Elbert. “*

3. *Emanuel. “*

4. *Houston. “*

5. *Jasper County.*

6. *Laurens. “*

7. *Monroe. “*

1. DADE COUNTY.

(See Act No. 220, “to exempt practicing physicians in the counties of Jasper, Dade, Laurens and Monroe, from jury duty,” &c.)

2. ELBERT COUNTY.

Sec. 1. All laws authorizing persons to practice medicine without a diploma in Elbert Co. repealed.

(No. 220.)

An Act to regulate the practice of physic in the county of Elbert, and for other purposes.

1. SECTION I. *The General Assembly do enact*, That all laws authorizing any person to practice physic and collect for the same, who is not a graduate of some properly recognized Medical College, and has not a diploma for the same, are hereby repealed, so far as they relate to the county of Elbert.

All laws authorizing persons to practice medicine without a diploma in Elbert Co. repealed.

Assented to December 20th, 1860.

3. EMANUEL COUNTY.

Sec. 2. Practicing physicians in the counties of Emanuel and Houston exempt from jury duty.

4. HOUSTON COUNTY.

(See Act No. 221.)

(No. 221.)

An Act to exempt from jury duty, all practicing physicians in the counties of Emanuel and Houston.

2. SECTION 1. *The General Assembly of the State of Georgia do enact*, That from and after the passage of this Act, all practicing Physicians in the counties of Emanuel and Houston, are exempt from jury duty in said counties.

Practicing Physicians in Emanuel and Houston Co's.

SEC. II. Repeals conflicting laws.

Assented to 6th Dec. 1860.

Monroe County —Burke County.

5. JASPER COUNTY.

Sec. 3. Practicing Physicians in Jasper, Dade, Laurens and Monroe counties, exempt from jury duty. Sec. 4. Tales jurors in said counties entitled to the same compensation as petit jurors

6. LAURENS COUNTY.

(See Act No. 220, "to exempt practicing physicians in the counties of Jasper, Dade, Laurens and Monroe from jury duties," &c.)

7. MONROE COUNTY.

(See same Act.)

(No. 222.)

An Act to exempt practicing Physicians in the counties of Jasper, Dade, Laurens and Monroe from jury duty, and to compensate tales jurors in the said counties.

3. SECTION I. *The General Assembly do enact, That from and after the passage of this Act, that practicing Physicians in said counties of Jasper, Dade, Laurens and Monroe, be and they are hereby exempt from Jury duty in the same, except in cases of inquests of lunacy.*

4. SEC. II. *And be it further enacted, That tales jurors of said counties of Jasper, Dade, Laurens and Monroe, shall, and they are hereby declared to be entitled to the same compensation as is now provided by law for grand and petit jurors in said counties; any law usage or custom to the contrary notwithstanding.*

Assented to December 8th, 1860.

TITLE XVI.

RELIEF.

- | | |
|------------------|-----------------|
| 1. Burke county, | 9. Pike county, |
| 2. Carroll " | 10. Pulaski " |
| 3. Forsyth " | 11. Richmond " |
| 4. Gilmer " | 12. Twiggs " |
| 5. Greene " | 13. Warren " |
| 6. Marion " | 14. Wilkinson " |
| 7. Merriwether " | 15. Worth " |
| 8. Muscogee " | |

1. BURKE COUNTY.

SEC. 1. Gov. to draw his warrant, in favor of Edward Palmer, of Burke county, for \$38.28.

(No. 223.)

An Act for the relief of Edmund Palmer and William L. Buxton, both of the county of Burke, and for other purposes.

WHEREAS, William L. Buxton, of the county of Burke, gave in his tax returns to the Tax Receiver of Burke, in time for the year

Preamble.

Carroll County —Forsyth County.

1859, and was nevertheless doubly taxed. Therefore, *be it enacted, by the Senate and House of Representatives of the State of Georgia, in General Assembly met*, That, as soon as possible after the passage of this Act, it shall be the duty of the Governor to draw his warrant on the State Treasury in favor of said William L. Buxton, for the sum of three dollars, being the one-half of the tax paid to the State for that year.

And *whereas*, Edmund Palmer, of the same county, in his own right, and as administrator of Edward Hatcher, was by reason of the absence of the Clerk of the Superior Court of said county, unable to give in his taxes for the year 1860, under the provisions of an Act, approved the 17th day of December, 1859, to allow persons to make a return of their taxable property to the Clerk of the Superior Court, in certain cases, and for other purposes therein mentioned, and was in consequence doubly taxed. Therefore,

Gov. to draw
his warrant in
favor of Ed-
ward Palmer,
of Burke Co.,
for \$33 23.

1. *Be it enacted*, That, as soon as possible after the passage of this Act, it shall be the duty of the Governor to draw his warrant on the Treasury, in favor of said Edward Palmer, for the sum of thirty-eight and $\frac{23}{100}$ dollars, being the one-half of the double tax on him for the State, during the year 1860.

Assented to December 20th, 1860.

2. CARROLL COUNTY.

(For Act relieving Matthew Reid, of Carroll county, see Act No. 130, "To change the line between Haralson and Carroll counties, and for other purposes.")

3. FORSYTH COUNTY.

SEC. 2. J. M. Summers, of Forsyth Co., relieved of double tax.

(No. 224.)

An Act for the relief of James M. Summers, of the county of Forsyth, and for other purposes.

Preamble.

WHEREAS, by an Act of the General Assembly, of the years 1855 and 1856, lot of land number (252) two hundred and fifty-two, in the second district and second section, in the county of Cherokee, was added to the county of Forsyth; and *whereas*, by the peculiar wording of the Act, to lay out and organize a new county from the counties of Cherokee, Cobb and Forsyth, approved December 18th, 1857, rendering it doubtful as to which county James M. Summers rightfully belonged, in consequence of which he returned and paid tax in the county of Forsyth, and was unjustly returned and double taxed, in the county of Milton, for the year eighteen hundred and sixty.

J. M. Sum-
mers, of For-
syth Co., re-
lieved from a
double tax.

2. SECTION I. *Be it enacted, &c.*, That James M. Summers, of the county of Forsyth, be relieved from a double tax imposed upon him by the Tax Receiver of the county of Milton, for the year 1860.

SEC. II. Repeals conflicting laws.

Assented to December 19th, 1860.

Gilmer County.

4. GILMER COUNTY.

SEC. 3. Certain persons in Gilmer Co. relieved from the penalty of illegal voting. | SEC. 4. Marriage contract between J. M. Painter and Cynthia Robison, of Gilmer Co., legalized.

(No. 225.)

An Act for the relief of certain citizens of the county of Gilmer for illegal voting.

WHEREAS, at the last session of this Legislature, an Act having been passed changing the residence of certain citizens of Gilmer county to Fannin county, which from some cause or other failed to receive the sanction of the Governor, and thereby did not become a law; and *whereas*, such citizens, whose residences were thus proposed to be changed, believing that their residences had been changed by such Act, and, so believing, having voted in said county of Fannin, thereby incurring the penalty of the statute for illegal voting: Therefore, for the purpose of relieving such persons from the penalty so incurred,

3. SECTION I. *Be it enacted, by the General Assembly of the State of Georgia*, That all persons who voted in the county of Fannin, since the last session of this Legislature, believing at the time of such voting, that their residences had been changed by the Legislature from the county of Gilmer to Fannin, be, and they are hereby relieved and exempted from all penalties for illegal voting.

SEC. II. Repeals conflicting laws.

Assented to December 18th, 1860.

(No. 226.)

An Act to legalize the marriage of J. M. Painter and Cynthia Robison, both of the county of Gilmer.

WHEREAS, there are doubts entertained as to whether the marriage of J. M. Painter and Cynthia Robison, of the county of Gilmer, was legal; and *whereas*, the said J. M. Painter and Cynthia Robison have been living together as man and wife for a number of years. Therefore,

4. SECTION I. *The General Assembly of the State of Georgia do enact*, That the marriage contract entered into between J. M. Painter and Cynthia Robison, of the county of Gilmer, on the fourteenth day of April, one thousand eight hundred and forty-two, be, and the same is hereby declared to be legal and valid, so far as concerns said parties, and all other persons, for all intents and purposes.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860, for the reason that it is made to appear that the wife of Painter left him in 1839, and ran away with another man, and that he, some years thereafter, married his present wife, and has lived with her over fifteen years, without knowing where his first wife is, or whether she is in life.

JOSEPH E. BROWN,

GOVERNOR.

5. GREENE COUNTY.

Sec. 5. 1st section of Act of Feb. 21, 1850, in relation to W. C. Bay, repealed.

(No. 227.)

*An Act to repeal the first section of An Act entitled An Act to change the name of William Capers Day of Greene county, to that of William Capers Rhodes, and to legitimate the same, and for other purposes therein mentioned, approved February 21st 1850**

1st. Sec. of
Act of Feb.
21, 1850, in re-
lation to W.
C. Day, re-
pealed.

5. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the first section of the above recited Act be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

*See Acts of 1849-50, p. 322, 325.

6. MARION COUNTY.

Section 6. James Parker of Marion county security on the bond of William J. Parker relieved; Proviso.

(No. 228.)

An Act for the relief of James Parker of Marion county.

James Parker
of Marion Co.
security on
the bond of
William J.
Parker, re-
lieved.

Proviso.

6. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That from and after the passage of this Act, the Clerk of the Superior Court of Marion county, and the Solicitor General of the Chattahoochee Circuit, or either of them, be, and they are hereby required to enter full satisfaction on the judgment entered, and the execution issued thereon, if any, by reason of the forfeiture of a bond against James Parker, security for William J. Parker; *provided,* That the said security pay all cost which has accrued in prosecuting said bond to judgment.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860, on the ground, that the statements made to me by members of the General Assembly, makesuch a case, as in my judgment takes the case out of the general rule.

JOSEPH E. BROWN, Governor.

7. MERRIWETHER COUNTY.

Section 7. Sterling S. Jenkins of Merriwether county relieved.

(No. 229.)

An Act for the relief of Sterling S. Jenkins.

Preamble.

WHEREAS, Francis E. Jenkins, the wife of Sterling S. Jenkins, having by a judgment of the Superior Court of Merriwether county obtained a total divorce from him, the said Sterling S. Jenkins.

Be it therefore enacted, That from and immediately after the passage of this Act, that Sterling S. Jenkins, be relieved from all the

Muscogee County.

pains and penalties he might incur, by violation of his said contract of intermarriage with the said Francis E., and that he be relieved from all and singular, the disabilities arising from such contract of marriage.

Sterling S.
Jenkins, of
Merriwether
Co. relieved.

Passed in the House of Representatives over the veto of his Excellency, the Governor, by a constitutional majority of two thirds, the vote being, ayes 75. and nays 34.

December the 12th, 1860.

CHAS. J. WILLIAMS,

Speaker of House of Representatives.

GEO. HILLYER, Clerk of the House of Representatives

Passed in the Senate over the veto of his Excellency the Governor, by a Constitutional majority of two-thirds, the vote being ayes 69, nays 16.

December the 13th, 1860.

President of the Senate.

FRED. H. WEST, Secretary of Senate.

* The President of the Senate failed to sign this bill after its passage over the veto of the Governor. Can this bill become a law without his signature, although in all other respects complete?

S. MUSCOGEE COUNTY.

Section 8. J. M. Bivins, Van Marcus, and R. L. Mott of Muscogee county relieved.

(No. 230.)

An Act to relieve and discharge J. M. Bivins, Van Marcus and R. L. Mott, from all liabilities, as securities on the bond of Edward B. Holmes, given on the 12th of April, 1860, for his appearance at the May Term, 1860, of Muscogee Superior Court.

WHEREAS, In April last, a large amount of money was taken from the Agency of the Marine Bank, at Columbus; and whereas Col. R. L. Mott, used every exertion to discover and recover said money, and whereas it was mainly through his exertions and influence over Edward B. Holmes, and his pledge to Holmes, that he would stand his security, that said Holmes was induced to discover said money, and whereas all of said money, was discovered and re-
except about two thousand dollars which amount, and the over-
draw of said Holmes in the agency, Col. Mott as his security on
his bond to the Bank, has arranged with the Bank, whereby, he
has been a sufferer to a considerable amount; and whereas, after
the money was recovered, said Holmes was arrested, and on the
12th of April, 1860, gave a bond to the Governor for twenty-five
hundred dollars, with said Bivins, Marcus, and Mott, as his secu-
rities, conditioned for his appearance at the May Term, 1860, of

Preamble.

Pike County.—Pulaski County.

Muscogee Superior Court, to answer such charges as might there be preferred against him by Mr. Wm. P. Hunter, about taking said money; and whereas said Holmes has fled from the county, and has gone to parts unknown, and steps are being taken to collect said bond of said securities.

And whereas justice and right will not be advanced by requiring said Bivins, Marcus and Mott, the main agent in recovering the money, and the only sufferer in the matter) to pay to the State said bond :

J. M. Bivins,
Van Marcus,
and R. L.
Mott, of Mus-
cogee Co. re-
lieved.

S. *Be it therefore enacted*, That said J. M. Bivins, Van Marcus and R. L. Mott, be, and they are hereby released and discharged from all liability as securities of Edward B. Holmes, on the above mentioned bond, given the 12th of April, 1860, conditioned for the appearance of said Holmes, at the May Term, 1860, of Muscogee Superior Court, *provided*, said securities shall pay all costs which have accrued in said case.

Assented to December 20th, 1860.

9. PIKE COUNTY.

Section 9. George W. Reaves of Pike county relieved.

(No. 231.)

An Act for the relief of George W. Reaves of Pike County

Preamble.

WHEREAS, At the October, Term, 1860, of Pike Superior Court a final verdict and Judgment of the court was had, granting a divorce, *avinculo a matrimonii* to Salina G. Reaves, former wife of said George W. Reaves.

G. W. Reaves
of Pike Co.
relieved.

9. SECTION I. *Be it enacted, &c.*, That from and immediately after the passage of this act, the said George W. Reaves, be, and he is hereby fully relieved from all the pains and penalties, restriction, and disabilities by him incurred in consequence of his inter-marriage with the said Salina G. Reaves, formerly Salina G. Daniel, and of the rendition of said verdict and judgment, and that he be allowed to marry again if desirable, in the same manner as if he had never been married to said Salina G., any law to the contrary notwithstanding.

Assented to for the reason that I am informed, that the divorce grew out of the insanity of Reaves, who is now fully restored to reason, this 8th day of December, 1860.

JOSEPH E. BROWN, Governor.

10. PULASKI COUNTY.

Section 10. Mary M. Wallace of Pulaski county relieved.

(No. 232.)

An Act for the relief of Origin A. V. Rose and Mary M. Wallace formerly Mary M. Mitchell, of Pulaski county, and for other purposes therein mentioned.

Preamble.

WHEREAS, Mary M. Mitchell, of Pulaski county, having inter-married with one William G. Wallace, who abandoned her, and

Richmond County.

went to parts unknown, and she having instituted her suit for a divorce, and pending such suit, being informed of the death of the said William G., in the State of Tennessee; and whereas she believing that the said William G. was dead, afterwards intermarried with Origin A. V. Rose; and whereas it so happens that the said William G. Wallace was not, and is not dead, but is alive and confined in the Penitentiary of said State for the offence of forgery; therefore to relieve the said Mary M. and the said Origin A. V. Rose.

10. SECTION I. *The General Assembly do enact*, That the said Mary M. of Pulaski county, be, and she is hereby relieved from all disabilities incurred by her intermarriage with the said William G. Wallace; and that she and the said Origin A. V. Rose, be, and they are hereby relieved and exempted from all pains and penalties incurred by reason of their intermarriage.

Mary M.
Wallace, of
Pulaski Co.
relieved.

SEC. II. Repeals conflicting laws.

Assented to December 18th, 1860.

RICHMOND COUNTY.

Sec. 11. Title of Mary Wray to certain lands confirmed.

(No. 233.)

An Act for the relief of Mary Wray, of the county of Richmond, and for other purposes therein mentioned.

WHEREAS, Mary Wray, of the city of Augusta, in the county of Richmond, is not a citizen of the United States, but has become possessed of proper title deeds of two lots of land in the city of Augusta, to-wit: lot of land situated on Fenwick street, in said city, between Campbell and Cumming streets, having a front of forty-nine feet on Fenwick street, and running back the same width one hundred and sixty feet—bounded on the North by Fenwick street, South by Talcot street, West by lot No. 9 A, and East by a line parallel to Campbell street, and one hundred and fifty feet distant therefrom. Also, all that lot of land being the half of lot number forty-three, as known in plan of lots laid off by William Phillips, city Surveyor; said plan being recorded in the Clerk's office of the Superior Court of said county; said half lot having a front on an alley way of thirty-eight feet and six inches, and running back to lot owned by Thomas Rigney one hundred and forty feet, nine and a half inches, bounded East by said alley, West by Rigney's lot (it being the eastern half of this said lot) South by Trinity Church lot, and North by lot number forty-four: And Whereas, the said Mary Wray became the purchaser of said lots of land without knowledge of her inability as an alien born, to hold and sell, or otherwise dispose of the same. Therefore,

Preamble.

11. SECTION I. *The General Assembly of the State of Georgia do enact*, That the title of the said Mary Wray to said lands be, and the same is hereby confirmed; and that she shall have full power to hold, enjoy, sell, or otherwise dispose of said lands, in all respects as if she were a native born citizen of the State of Georgia.

Title of Mary
Wray to cer-
tain lands
confirmed.

SEC. II. Repeals conflicting laws.

Assented to November 22, 1860.

12. TWIGGS COUNTY.

Sec. 12. Daniel W. Shine, of Twiggs county, relieved.

(No. 234.)

An Act for the relief of Daniel W. Shine of the county of Twiggs.

Preamble.

WHEREAS, Daniel W. Shine of the county of Twiggs, was by virtue of an Act approved February 28th, 1856, appointed guardian of Davieleen W. Shine, and whereas said Daniel W. Shine has been discharged by the Court of Ordinary of said county, from said guardianship, and James W. Brown of the county of Pulaski, has been appointed guardian in the stead of the said Daniel W. Shine, and that the said Daniel W. Shine has had a full settlement with the said James W. Brown, respecting the property and estate of said ward, and has turned over said property and estate to the said James W. Brown :

Daniel W.
Shine, of
Twiggs Co.
relieved.

12. *Therefore, the General Assembly of the State of Georgia do enact,* That the said Daniel W. Shine, he and he is hereby relieved and discharged from said guardianship, and his dismissal by said court from said guardianship, is hereby declared legal and valid to all intents and purposes, and the appointment of said James W. Brown as guardian of said Ward, is also hereby made legal and valid.

Assented to December 20, 1860.

13. WARREN COUNTY.

Sec. 13. E. F. Linah of Warren county, relieved.

(No. 235.)

An Act for the relief of E. T. Linah, of Warren county, from the double tax imposed on him for the year 1860.

Preamble.

WHEREAS, from providential affliction, and death the party acting as trustee of the property of E. T. Linah of Warren county, said property was double taxed to the amount of twenty-five dollars and forty-one cents.

E. F. Linah,
of Warren
Co. relieved.

13. SECTION I. *Be it enacted by the General Assembly of the State of Georgia,* That the Inferior Court of the county of Warren, are hereby authorized and required to relieve the property of E. T. Linah of said county, of so much of such tax as was imposed by reason of his default in rendering in his property according to law for the year 1860.

SEC. II. Repeals conflicting laws.

Assented to December 20, 1860.

14. WILKINSON COUNTY.

Section 14. Mitchell Fountain and Lemuel Lavender, securities of James Myers of Wilkinson county relieved.

(No. 236.)

An Act for the relief of Mitchell Fountain and Lamuel Lavender, securities of James Myers of the county of Wilkinson.

WHEREAS, James Myers of the county of Wilkinson, was at the October term, 1858 of the Superior Court, convicted of the offence of carrying concealed weapons on the first day of July 1858, and that on the twelfth day of October, thereafter, Mitchell Fountain and Lamuel Lavender of said county, became securities for the appearance of said Myers, at the next term of court, in a bond for five hundred dollars, and that in a few days thereafter, they become dissatisfied and delivered up said Myers to the arresting officer, a Bailiff, under the advice of an Attorney, and that said Myers did not appear; but said securities appeared and showed cause why judgment should not be entered on said bond, and motion was renewed on part of the State to enter up judgment on said bond, because Myers was delivered up to an improper officer, which motion was sustained by the court, and judgment entered accordingly, and that the October term was adjourned to January, 1860, at which time said securities produced the body of said Myers, who plead guilty of the offence, and was fined thirty dollars and all cost of suit, which was paid and said Myers discharged.

14. SECTION I. *Be it therefore enacted, &c.,* That the Clerk of the Superior Court of the county of Wilkinson, or the Solicitor General of the Ocmulgee District, or either of them, be and they are hereby authorized and required to enter full satisfaction on said judgment against said Mitchell Fountain and Lamuel Lavender and if execution has issued on the same, to enter full satisfaction on said execution; and that said Fountain and Lavender be and they are hereby fully discharged from all liability on said judgment and execution.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860.

15. WORTH COUNTY.

Sec. 15. Wm. J. Ammons and Sarah Wheeler of Worth county, relieved.

(No. 237.)

An Act for the relief of William J. Ammons and Sarah Ammons, alias Sarah Wheeler, and for other purposes.

WHEREAS, Charles Wheeler, the husband of the said Sarah Wheeler, abandoned her the said the said Sarah Wheeler, and went off with another woman to the State of Florida, from which State he returned to Georgia, and in some Court in this State obtained a divorce a

Appling County.

vinculo Matrimonii, from said Sarah Wheeler, upon grounds unknown to the said Sarah Wheeler, she never having heard of said suit until too late to make any defence to the same; and whereas the said Charles Wheeler has since contracted a marriage with the woman he went off to Florida with, and the said Sarah Wheeler deeming herself free from her marital obligations with the said Charles Wheeler, by reason of the above recited facts, did contract marriage with William J. Ammons, of the county of Worth; and whereas said marriage under the misapprehension aforesaid, was solemnized in said county of Worth, between William J. Ammons and Sarah Wheeler, by Andrew J. Merchant, a Justice of the Peace in and for said county of Worth.

Wm. J. Ammons and Sarah Wheeler, of Worth Co., relieved.

15. SECTION I. *Be it enacted, &c.*, That the said William J. Ammons and Sarah Wheeler, of the county of Worth, be and they are hereby relieved from all the penalties and disabilities incurred by reason of said above recited marriage, and that the said marriage be and the same is hereby declared valid to all intents and purposes whatsoever; and the said Andrew J. Merchant, Justice of the Peace as aforesaid, be and he is hereby released from all pains and penalties incurred by him in consequence of having solemnized said marriage between the said Sarah Wheeler and William J. Ammons.

SEC. II. Repeals conflicting laws.

Assented to December 8th. 1860.

TITLE XVII.

ROADS.

- | | |
|---------------------------|---------------------------|
| 1. <i>Appling County.</i> | 6. <i>Decatur County.</i> |
| 2. <i>Camden</i> “ | 7. <i>Lumpkin</i> “ |
| 3. <i>Cherokee</i> “ | 8. <i>Montgomery</i> “ |
| 4. <i>Coffee</i> “ | 9. <i>Ware</i> “ |
| 5. <i>Colquitt</i> “ | 10. <i>Wayne</i> “ |

1. APPLING COUNTY.

Section 1. Roads in Appling and Ware to be cut out sixteen feet instead of twenty, as now required.

(No. 23S.)

An Act to reduce the work on Roads in this State, so far as relates to the counties of Appling, Coffee and Ware.

1. SECTION I. *Be it enacted, &c.*, That, from and after the passage of this Act, it shall be the duty of the Commissioners and Overseers of Roads in said counties of Appling, Coffee and Ware, to have the several public roads in said counties cut out sixteen feet in width in lieu of twenty, as is now by

Roads in Appling and Ware to be cut out sixteen feet instead of twenty, as now required.

Camden County.

law directed, except so far as relates to lanes; they shall be as now, twenty feet.

SEC. II. Repeals conflicting laws.

Assented to, December 20th, 1860.

2. CAMDEN COUNTY.

<p>Section 2. Inferior Court of Camden county to appoint a Board of Road Commissioners—Who are to have exclusive control of Roads in Camden county.</p>	<p>Section 3. Inferior Court to fill all vacancies which may occur in said Board. " 4. All laws exempting hands from road duty in said county repealed.</p>
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(No. 239.)

An Act to alter and amend the Road Laws of this State, so far as relates to the county of Camden.

2. SECTION I. *Be it enacted, &c.,* That the Justices of the Inferior Court of Camden county, at its first session after the passage of this Act, shall appoint one fit and proper person in each election district of said county, who shall form a Board of Commissioners of Roads in said county, who shall have the entire control and management of all public roads therein, and the hands subject to work thereon, and apportion them to said Public Roads from time to time, as to them shall seem right and proper. And said Commissioners shall require all hands subject to road duty in said county, to work on the same at least twice a year, not to exceed one week each time, and shall fine all defaulters in a sum not exceeding one dollar per day for each defaulting hand, and shall collect the same in the manner now pointed out by the existing road laws of this State; *Provided*, the hands subject to road duty, residing on Cumberland Island, shall not be liable to work the roads on the main, or pay a commutation tax in lieu thereof.

3. SEC. II. *And be it further enacted*, That all vacancies occurring in said Board of Commissioners, by death, resignation, or otherwise, shall be filled by the Justices of the Inferior Court at its first session thereafter.

4. SEC. III. *And be it further enacted*, That all laws heretofore passed exempting particular hands from working on the Public Roads in said county, be, and the same are hereby repealed.

SEC. IV. Repeals conflicting laws.

Assented to December 19th, 1860.

Cherokee County.—Coffee County.—Colquitt County.—Decatur County.

3. CHEROKEE COUNTY.

Section 5. An Act assented to December 21, 1822, in relation to Road Laws in Cherokee, repealed.

(No. 240.)

*An Act to amend an Act entitled an Act to repeal an Act to amend the Road Laws of this State, passed the nineteenth day of December, eighteen hundred and eighteen, approved December twenty-first, eighteen hundred and twenty-two, so far as respects the county of Cherokee, and to adopt the following in lieu thereof. assented to December 7th, 1841.**

An Act assented to Dec. 21st, 1822, in relation to Road Laws of Cherokee Co. repealed.

5. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, so much of the first section of the above recited Act as requires market roads to be dug only ten feet wide, be repealed, and that such market roads be cleared of stumps, rocks and runners, where the same are not too numerous or immovable, at least twenty feet wide, and all dug roads at least sixteen feet wide.

SEC. II. Repeals conflicting laws.

Assented to December 7th, 1860.

*See laws of 1841, part 1, p. 186, 188.

4. COFFEE COUNTY.

(See Act No. 238, "To reduce work on Roads in this State, so far as relates to the counties of Appling," &c.)

5. COLQUITT COUNTY.

Section 6. Act of December 13, 1858, regulating the Road Laws of Colquitt county, repealed.

(No. 241.)

An Act to repeal an Act entitled "An Act to alter and amend the Road Laws of this State, so far as relates to the county of Oglethorpe and the several counties therein named," assented to December 13th, 1858, so far as the same relates to the county of Colquitt.*

Act of Dec. 13, 1858, regulating Road Laws of Colquitt Co. repealed.

6. SECTION I. *Be it enacted, &c.,* That the above recited Act, so far as the same relates to the county of Colquitt, be, and the same is hereby repealed.

SEC. II. Repeals conflicting laws.

Assented to 8th December, 1860.

*See Acts of 1853, pamph. p. 183.

6. DECATUR COUNTY.

Section 7. Act of December 30, 1836, in relation to Road Laws of Decatur county, repealed.

(No. 242.)

An Act to alter and amend an Act entitled an Act to require all fines collected for the neglect of Road duty in the county of Decatur, to be applied to the improvement of the Roads within the District where said default or neglect of duty occurred, assented to Dec. 30th, 1836.

7. SECTION I. *Be it enacted, &c.,* That the above recited Act shall be so amended as to require Overseers of Roads in the several

Lumpkin County.—Montgomery County.—Ware County.

Road Districts of said county, to warn in all hands that may be liable to do road duty in their several districts under the existing road laws of this State; and it shall be the Road Commissioners' duty of said county to pay over one half of all the money that may be collected from defaulters and deficiencies for neglect of road duty, to the Overseers on their respective roads, as is now required by the road laws of this State, and the other half to be applied by the Commissioners, as is now required by the above recited Act of 1836.

Act of Dec.
30th, 1836, in
relation to
Road Laws of
Deatur Co.
repealed.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860.

* See Acts of 1836, pamp. p. 244.

7. LUMPKIN COUNTY.

Section 8. Act of December 16, 1857, in relation to Road Laws of Lumpkin county, repealed.

(No. 243.)

*An Act to repeal an Act to alter and amend the Road Laws of this State so far as relates to the county of Lumpkin, assented to the sixteenth of December, eighteen hundred and fifty-seven.**

S. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the above recited Act is hereby repealed.

Assented to December 1st, 1860.

Act of Dec
16, 1857, in re-
lation to Road
Laws of
Lumpkin Co.
repealed.

* See Acts of 1857, pamph. p. 222.

8. MONTGOMERY COUNTY.

Section 9. Act of December 19, 1840, in relation to Road Laws of Montgomery county, repealed.

(No. 244.)

An Act to repeal an Act entitled "An Act to alter and amend the Road Laws of this State, so far as relates to the county of Montgomery, assented to December 19th, 1840."*

9. SECTION I. *Be it enacted &c.,* That the above recited Act be, and the same is hereby repealed, so far as the same relates to the county of Montgomery.

Assented to December 18th, 1860.

Act of Dec.
19, 1840, in re-
lation to Road
Laws of
Montgomery
Co. repealed.

* See Acts of 1840, pamp. p. 169.

9. WARE COUNTY.

(See Act No. 238. "To reduce work on Roads in this State, so far as relates to the counties of Appling," &c.)

10. WAYNE COUNTY.

Section 10. Act of Dec. 22, 1857, in relation to the Road Laws of Wayne county, amended.

(No. 245.)

*An Act to amend an Act entitled an Act to alter and amend the Road Laws of this State, so far as relates to the county of Wayne, assented to December 22, 1857.**

Act of Dec.
22, 1857, in re-
lation to Road
Laws of
Wayne Co.
amended.

10. SECTION I. *Be it enacted, &c.,* That from and after the passage of this Act, the first section of the above recited Act be so changed as to authorize the Road Commissioners of the several districts in said county of Wayne, to pay to the Overseers of Roads in their respective districts, one half of the amount collected by fines against defaulters, as a compensation for the services of said Overseers; *Provided*, the amount of fines so collected does not at any one road working, exceed the sum of fifteen dollars; and if the amount collected as aforesaid, shall exceed the sum of fifteen dollars, then, and in that event, the said Overseers shall each receive one dollar and fifty cents per day for the number of days engaged in said road working; and in all cases the amount so paid shall be raised from the roads on which said overseer works.

SEC. II. Repeals conflicting laws.

Assented to December 20th, 1860.

*See Acts of 1857, pamph. p. 293-4-5-6.

TITLE XVIII.

TAX.

- | | | | |
|-------------|---------|------------|---------|
| 1. Bibb | County. | 5. Lee | County. |
| 2. Chatham | " | 6. Lumpkin | " |
| 3. Franklin | " | 7. Putnam | " |
| 4. Hancock | " | 8. Taylor | " |

1. BIBB COUNTY.

(For Act to authorize the Inferior Court of Bibb county to levy an extra tax, see Act No. 250, "To authorize the Justices of the Inferior Court of Lumpkin county, or a majority of them, to levy an additional tax," &c.)

Chatham County.—Franklin County.

2. CHATHAM COUNTY.

Sec. I. Inferior Court of Chatham Co. may levy an extra tax, not exceeding \$10,000 per three years. Sec. 2. None of the officers of Chatham Co. to receive any compensation on said \$30,000.

(No. 246.)

An Act to authorize the Justices of the Inferior Court of Chatham county to levy and collect an extra tax for the building of a new Jail for said county, and for other purposes.

WHEREAS, The amount already raised for the erection of a new jail under the Act of 1856* by the Inferior Court of Chatham county, is insufficient for the purpose desired. Preamble.

1. SECTION I. *The General Assembly of Georgia do enact*, That the Justices of the Inferior Court of Chatham county, or any three of the bench of Justices of said Court, shall have power, and they are hereby authorized and empowered to levy a tax upon the inhabitants of said county, over and above the State and county tax, not to exceed the sum of ten thousand dollars each and every year, for the space of three years, so as to make the sum of thirty thousand dollars, and shall be authorized to have the same collected by the Tax Collector of said county; which said tax, when so levied and collected, shall be by the said Tax Collector paid over to the Justices of the Inferior Court of Chatham county, and shall be by them applied to the erection of a new county Jail for said county of Chatham. Inf. Court of Chatham Co. may levy an extra tax.
Not exceeding \$10,000 for three years.

2. SEC. II. *The General Assembly do further enact*, (in order to prevent any erroneous construction of this Act,) That none of the county officers of the county of Chatham, shall be entitled to, or receive any commission upon the said sum of thirty thousand dollars, or upon any part thereof, save only the county Treasurer of Chatham county, who shall receive one per cent. for receiving, and one per cent for paying out said sum of thirty thousand dollars, or any less sum received, and no more. None of the officers of Chatham Co. to receive any compensation on said \$30,000. Except the Co. Treasurer.

SEC. III. Repeals conflicting laws.

Assented to December 17, 1860.

* See Acts of 1855 and 1856, pump, p. 483.

3. FRANKLIN COUNTY.

(No. 247.)

An Act to amend an Act to alter and amend the 14th section of an Act, entitled an Act to protect the estate of Orphans, and to make permanent provision for the poor, approved November 24, 1818, so far as relates to the county of Franklin.

SECTION I. *Be it enacted*, &c. That the Inferior Court of the county of Franklin, be, and the same are hereby authorized to levy twenty per cent. upon the State tax, for the support of the poor of said county. Inf. Court of Franklin Co. may levy a poor tax.

SEC. II. Repeals conflicting laws.

Assented to December 20, 1860.

Hancock County.—Lee County.—Lumpkin County.

4. HANCOCK COUNTY.

Sec. 4. Inferior Court of Hancock county may levy an extra tax.

(No. 248.)

*An Act to authorize the Inferior Court of Hancock county to levy an extra tax for county purposes.*Infr. Court of
Hancock Co.
may levy an
extra tax.

4. SECTION I. *The General Assembly do enact*, That the Inferior Court of said county of Hancock shall have power, upon the recommendation of the Grand Jury thereof, to levy and cause to be collected, by the Tax Collector of said county, an extra tax for county purposes; said extra tax not to exceed, for any year, more than seventy-five per cent. upon the State tax levied for said year; and said power to levy extra tax shall not continue more than two successive years; all laws to the contrary notwithstanding.

Assented to December 1, 1860.

5. LEE COUNTY.

Sec. 5. Levying an extra tax by the Inferior Court of Lee county legalized.

(No. 249.)

*An Act to legalize the levy of an extra tax by the Inferior Court of Lee county, for the purpose of paying for the building of a Turnpike across Muckalee creek.*Levying of an
extra tax by
the Infr. Court
of Lee Co.
legalized.

SECTION I. *Be it enacted, &c.*, That the levy of an extra tax by the Inferior Court of Lee county, for the purpose of paying for the building of a Turnpike across Muckalee creek in said county, which tax was levied in pursuance of a recommendation of the Grand Jury of said county, be, and the same is hereby legalized and made valid.

SEC. II. Repeals conflicting laws.

Assented to December 20, 1860.

6. LUMPKIN COUNTY.

SEC. 6. Infr. Court of Lumpkin county may levy an extra tax to repair court-house.

" 7. Tax Collector to pay the same over to Comm'r's who are to have the same done.

" 8. All money collected under an Act of Dec. 14th, 1859, to be paid over to said Comm'r's.

" 9. Infr. Court of Bibb county may levy an extra tax, not exceeding \$6000, to relieve the poor of said county.

SEC. 10. Said Infr. Court may appoint a Collector to collect said tax.

" 11. And may fix the time for the payment of said tax.

" 12 Said Collector shall pay over the same to J. B. Artope, W. F. Willbarn, William Holmes, William Lundy, and John J. Gresham.

(No. 250.)

An Act to authorize the Justices of the Inferior Court of Lumpkin county, or a majority of them, to levy an additional and extra tax for the purpose of repairing the court-house of said county; and to authorize the Inferior Court of Bibb county to levy and collect a special tax for the support of the poor of said county, and for other purposes.

WHEREAS, the tax levied and raised by the Inferior Court of the county of Lumpkin, in pursuance of the Act approved De-

Preamble.

Lumpkin County.

ember 14th, 1859, has been found insufficient for the purposes intended to be provided for by said Act.

6. SECTION I. *Be it therefore enacted*, That a majority of the Justices of the Inferior Court of said county are hereby authorized and required to levy and have collected an extraordinary tax, independent of any other county tax, of fifty per cent. on the State tax for the political year 1861; and the fund so raised shall be used for the purpose of repairing and railing in the court-house of said county.

Inf. Court of Lumpkin Co. may levy an extra tax to repair Court House.

7. SEC. II. *Be it further enacted*, That it shall be the duty of the Tax Collector of said county to collect the tax levied under this Act, and to pay over the same to A. G. Wimpy, George T. Quilian, N. T. Howard, M. F. Welchell and Benjamin Hamilton, or a majority of them, who are hereby constituted commissioners, for the purpose of receiving said fund, and having said court-house repaired and railed in, with full power in conjunction with said Inferior Court, to carry out this Act; and the balance remaining in their hands, over and above what is expended for the purposes aforesaid, shall be by them paid into the county treasury, for jury purposes; and neither said Tax Collector or county Treasurer or commissioners shall receive any compensation for services rendered under this Act.

Tax Collector to pay the same over to Comrs. who are to have said work done.

8. SEC. III. *Be it further enacted*, That the Tax Collector of said county, who has collected the extra tax levied by virtue of the aforesaid Act, approved December 14th, 1859, is hereby authorized and required to pay over to the aforesaid commissioners the said funds collected or to be collected by him, to be used for the purposes aforesaid.

All money collected under an Act of Dec. 14, 1859, to be paid over to said Comrs.

9. SEC. IV. *And be it further enacted*, That the Justices of the Inferior Court of Bibb county, or a majority of them, be, and they are, hereby authorized to levy and collect, at as early a day as they shall deem advisable, a special tax on the taxable property in said county, to be ascertained by reference to the books of the Tax Receiver of said county for the present year, sufficient to raise a sum of money not exceeding six thousand dollars, to be appropriated and used in relieving the wants of the poor of said county who have been resident therein for six months preceding the passage of this Act.

Inf. Court of Bibb Co. may levy an extra tax not exceeding \$6,000 to relieve the poor of said Co.

10. SEC. V. *It is further enacted*, That, for the purpose of collecting said tax, said Justices, or a majority of them, are authorized to appoint a collector, to fix his compensation, and to take bond and security for the faithful performance of his duty,—said bond to be payable to said Justices, and to be for such amount as a majority of them shall determine; and said collector shall issue execution against defaulters, and levy and collect the same by advertisement and sale of the property levied on,—said advertisement to be made in some public gazette in said county, for thirty days, and said sale to take place at the same time and place at which Sheriffs' sales are had, in said county; and, upon the sale of any property under such execution, the said collector shall have

Said Inferior Court may appoint a Collector to collect said tax.

Who shall issue execution against defaulters.

Putnam County.

power to convey to the purchaser all the title and right which the defendant in execution has in the property sold.

Said Inferior Court may fix the time for the payment of said tax.

11. SEC. VI. The said Justices, or a majority of them, shall have power to fix the time for the payment of said tax, and to make all such rules and regulations as may be necessary to carry out the true intent and meaning of this Act.

Said Collector shall pay over the same to J. B. Artope, W. F. Willburn, William Holmes, William Lundy and John J. Gresham, or any three of them, who shall appropriate the same for the purposes contemplated by this Act, and make report to the Inferior Court, and also to the Grand Jury of said county, of the amount received, and the disposition made of it. The receipt of any three of the persons named shall be a sufficient voucher or acquittance to the said collector.

12. SEC. VII. The said collector shall pay over said tax to J. B. Artope, W. F. Willburn, William Holmes, William Lundy and John J. Gresham, or any three of them, who shall appropriate the same for the purposes contemplated by this Act, and make report to the Inferior Court, and also to the Grand Jury of said county, of the amount received, and the disposition made of it. The receipt of any three of the persons named shall be a sufficient voucher or acquittance to the said collector.

SEC. VIII. Repeals conflicting laws.

Assented to December 14th, 1860.

7. PUTNAM COUNTY.

SEC. 13. Inferior Court of Putnam county may levy a tax to pay arrearages due to teachers of poor children.

SEC. 14. Infr. Court may also levy a military tax. Proviso.

15. Infr. Court to pass upon all acct's presented by captains of companies.

(No. 251.)

An Act to authorize the Inferior Court of Putnam county to levy an educational and a military tax.

13. SECTION I. *The General Assembly of the State of Georgia do enact as follows:* That, from and after the passage of this Act, the Inferior Court of Putnam county, upon the recommendation of the Grand Jury, shall have power to levy such tax as may be necessary to pay all arrearages justly and legally due teachers of poor children in said county; and should said arrearages be too great to be paid in one year, the Inferior Court, upon the recommendation of the Grand Jury, shall have power to levy such annual tax as may be necessary to pay said arrearages in installments, until all such arrearages are paid,—each teacher to whom said arrearages are due receiving his *pro rata* share, until all his demands are paid; and all teachers of poor children, in said county, whose accounts are unpaid, shall, upon establishing the justice of said accounts according to the law now of force, be entitled to their proportional share of any educational fund now in the hands of the Ordinary of said county, or which may hereafter come into his hands.

Inf. Court may also levy a military tax. Proviso.

14. SEC. II. The Inferior Court of said county shall also have power to levy an extra tax upon the tax payers of said county, for the support of a military company in said county; *provided* the said tax shall not exceed one-fiftieth of one per cent. on the taxable property of said county, for the first year of the existence of said company, and one-hundredth of one per cent. for each year

thereafter; and the members of said company shall be exempt from the military tax hereby imposed.

15. SEC. III. The military tax aforesaid shall be paid by the Tax Collector, (who shall collect the same,) into the hands of the county Treasurer, and be subject to the order of the Inferior Court, who shall audit and approve, or disapprove the accounts which may be presented by the Captain of said military company, or by such other person or persons as the said company may, by their constitution or by-laws, entrust with the management of their financial affairs.

Inf. Court to pass upon all accounts presented by the Captains of Companies.

SEC. IV. Repeals conflicting laws.

S. TAYLOR COUNTY.

SECTION 16. Inferior Court of Taylor County may levy an extra Tax to build a Jail.

(No. 252.)

An Act to authorize the Inferior Court of Taylor County to levy an extra Tax, for the purpose of rebuilding the Jail of said County.

16. SECTION I. *Be it enacted, &c.,* That the Inferior Court of Taylor County be, and they are hereby authorized to levy an extra tax of not more than one hundred per cent on the State tax, for the purpose of rebuilding the Jail of said County.

Inf. Court of Taylor Co. authorized to levy an extra tax to build a Jail.

SEC. II. Repeals conflicting laws.

Assented to December 17th, 1860.

Assented to December 20, 1860.

TITLE XIX.

VOLUNTEER COMPANIES.*

*See Also Title Volunteer Companies, in Public Laws.

1. *Independent Volunteer Battalion of Augusta.*
2. *Independent Volunteer Battalion of Macon.*
3. *South Western Battalion of Georgia.*

1. INDEPENDENT VOLUNTEER BATTALION OF AUGUSTA.

SECTION 1. Act incorporating the Independent Volunteer Battalion of Augusta, amended.

SECTION 2. 5th Section of above Act, repealed.

(No. 253.)

An Act to amend an Act entitled an Act organizing the Independent Volunteer Battalion of Augusta, approved March 3rd, 1856, and for other purposes.*

1. SECTION I. *Be it enacted, &c.,* That the fifth Section of the above recited Act shall read as follows, to-wit: "That the said

*See Act of 1855-6, pamp. p. 262.

Independent Volunteer Battalion of Macon.

Act incorpor-
ating the Ind.
Vol. Battal-
ion of Augus-
ta amended.

Battalion shall be commanded by a Lieutenant Colonel, who shall be elected by the members of the Companies composing the said Battalion, under such rules and regulations as the By-Laws of the said Battalion shall prescribe, and shall be commissioned by the Governor; and the said Lieutenant Colonel shall be entitled to a staff as full and complete as if the said Battalion were a Regiment; who shall likewise be commissioned by the Governor.

5th Sec. of
above Act re-
pealed.

2. SEC. II. *And be it further enacted*, That the proviso contained in the said fifth Section of the Act of which this is amendatory, be, and the same is hereby repealed.

SEC. III. Repeals conflicting laws.

Assented to December 7th, 1860.

2. INDEPENDENT VOLUNTEER BATTALION OF
MACON.

SECTION 3. Independent Volunteer Battalion of Macon incorporated.

- " 4. When the number of Companies shall be eight, then the same to be organized into the "Independent Volunteer Regiment of Macon."
- " 5. Said Battalion to be commanded by a Lieut. Colonel; Proviso.

SECTION 6. Provost Marshal and Clerk of said Battalion.

- " 7. Said Battalion attached to the 1st Brigade, 8th Division, G. M.
- " 8. Said Battalion regulated by the Militia Laws of this State.

(No. 254.)

An Act to organize a Volunteer Battalion in the City of Macon, to be called the "Independent Volunteer Battalion of Macon."

Ind. Vol. Bat-
talion of Ma-
con incorpor-
ated.

3. SECTION I. *Be it enacted, &c.*, That the Volunteer Companies now existing in the city of Macon, and belonging to the First Regiment, First Brigade, Eighth Division, Georgia Militia, be, and the same are hereby organized and erected into a separate Battalion, which shall be called the "Independent Volunteer Battalion of Macon," and be no longer a part of the said First Regiment.

When the No.
of Companies
shall be eight,
then the same
to be organ-
ized into the
Ind. Vol. Reg.
of Macon.

4. SEC. II. *And be it further enacted*, That any other Volunteer Companies which may hereafter be organized in the city of Macon, shall be attached to said Battalion until the number of Companies in said Battalion shall be eight, (8,) when the said Companies shall be organized and erected into a Regiment, which shall be called the "Independent Volunteer Regiment of Macon;" and said Regiment shall not consist of less than eight nor more than fourteen Companies.

Said Battal-
ion to be com-
manded by a
Lt. Colonel.

5. SEC. II. *And be it further enacted*, That the said Battalion shall be commanded by a Lieutenant Colonel, who shall be elected by the members of the Companies composing said Battalion, in the manner prescribed by the Militia Laws of this State, and commissioned by the Governor; and the said Lieutenant Colonel shall be entitled to a staff as full and complete as if the said Battalion were a Regiment; *Provided*, That no person shall be eligible as Lieutenant Colonel, or to an appointment on

Proviso.

South-Western Battalion of the State of Georgia.

the Staff, who has not been a regular member with one of the Companies of said Battalion within the six months next preceeding any election or appointment.

6. SEC. IV. *And be it further enacted*, That the Provost Marshal and Clerk of said Battalion, shall be elected and sworn, and perform the duties, exercise the powers, and be subject to the instructions prescribed by the Militia Laws now governing the First Regiment, First Brigade, Eighth Division, Georgia Militia.

Provost Marshal and Clerk of said Battalion.

7. SEC. V. *And be it further enacted*, That the said Battalion shall be attached to the First Brigade, Eighth Division, Georgia Militia.

Said Bat. attached to the 1st. Brig. 8th Div. G. M.

8. SEC. VI. *And be it further enacted*, That the said Battalion shall be regulated by the Militia Laws of this State, so far as the said laws are compatible with the provisions of this Act, except in addition to the regular annual parade, it shall be subject to the orders of the commanding officers, at any and such other times as he may deem necessary or expedient; and the said Battalion shall be exempt from the effect of all such laws and parts of laws, as militate against the provisions of this Act.

Said Bat. regulated by the Militia Laws of this State.

Assented to December 20th, 1860.

3. SOUTH WESTERN BATTALION OF THE STATE OF GEORGIA.

Sec. 9. South Western Battalion of the State of Georgia incorporated.

" 10. So soon as eight companies shall organize, they shall constitute the "South Western Regiment."

" 11. Officers shall be a Lieut. Colonel and Major.

Sec. 12. Provost Marshal, Clerk &c., their duties.

" 13. Said Battalion to be regulated by such rules as they may adopt.

" 14. All companies composing said battalion shall be entitled to the same privileges as the "Baldwin Blues" are entitled to by law.

(No. 255.)

An Act to organize the South-Western Battalion of the State of Georgia and to confer certain privileges upon the same.

9. SECTION I. *The General Assembly do enact*, That the volunteer corps now existing in the following places and known by the following names to-wit: "The Sumter Guards in the city of Americus, the Albany Guards in the city of Albany, the Bainbridge Independents of the city of Bainbridge, and in case they desire it, the Buena Vista Guards of Buena Vista, together with all other companies which may by a vote of the above named companies, in such way as they may determine, be admitted to the privileges of said battalion, be and the same are hereby organized and created into a separate battalion, which shall be called the South-Western Battalion, and be no longer parts of their respective regiments.

South Western Battalion of the State of Georgia incorporated.

10. SEC. II. *And be it further enacted*, That so soon as eight companies shall be organized and admitted to the privileges of this act as above prescribed, the said companies shall be organized and erected into a regiment to be called the South-Western Regiment,

So soon as eight Companies shall organize they shall constitute the South Western Regiment.

South-Western Battalion of the State of Georgia.

and said regiment shall not consist of less than eight nor more than fourteen companies.

Officers shall
be Lt. Colo-
nel and Ma-
jor.

11. SEC. III. *And be it further enacted*, That the officers of said battalion shall be a Lieut. Colonel and a Major, who shall be elected by the companies composing this battalion, in such manner as they may prescribe, said officers shall be commissioned by the Governor, and the Lieut. Colonel shall be entitled to a staff as full and complete as if the same battalion was a regiment.

Provost Mar-
shal, Clerk,
&c., their du-
ties.

11. SEC. IV. *And be it further enacted*, That the Provost Marshal and Clerk of said battalion, shall be elected and sworn and perform the duties, exercise the powers and be subject to the instructions prescribed by the Militia Laws governing the first regiment, first brigade, first division Georgia Militia.

Said Battal-
ion to be reg-
ulated by
such rules as
they may
adopt.

13. SEC. V. *And be it further enacted*, That the said battalion shall be regulated by such rules and regulations as it may, adopt, to be ascertained in such way as it may hereafter prescribe.

All companies
composing
said Battalion
shall be enti-
tled to the
same privi-
leges as the
Baldwin
Blues are en-
titled to by
law.

14. SEC. II. *And be it further enacted*, That all companies above enumerated, or such as may become parts of said battalion, shall be entitled to all the exemptions and privileges now conferred by law upon the "Baldwin Blues" of the city of Milledgeville.

SEC. VII. Repeals conflicting laws.

Assented December 20th, 1860.

RESOLUTIONS
ADOPTED BY
THE SENATE
AND
HOUSE OF REPRESENTATIVES,
OF THE
STATE OF GEORGIA.
DURING A SESSION OF THE GENERAL ASSEMBLY, HELD AT MILLEDGE-
VILLE, IN THE YEAR 1860.

- | | |
|---|--|
| No. 1. To elect a Judge of the Supreme Court. | No. 9. Session extended. |
| " 2. Election of Treasurer. | " 10. Adjusting the boundary line between Georgia and Florida. |
| " 3. To choose Electors to cast the Presidential vote of the State of Georgia. | " 11. Committee appointed to wait upon the Commissioner from Mississippi. |
| " 4. A Committee to visit the Deaf and Dumb Asylum. | " 12. To remove the remains of Commodore McIntosh. |
| " 5. The Rev. Doctor Lipscombe's Address. | " 13. John S. Fain authorized to receive certain sums. |
| " 6. In relation to the death of Hon. I. T. Irvin. | " 14. In responso to the State of Mississippi. |
| " 7. To furnish side arms to Officers of the various Volunteer Corps in this State. | " 15. Session extended. |
| " 8. Purchase of arms for the defence of the coast of this State. | " 16. Relative to adjourning courts by reason of the approaching State Convention. |

(No. 1.)

Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met: That we convene in the Hall of the House of Representatives, on Friday the 9th inst., at 11 o'clock in the forenoon, to elect one Judge of the Supreme Court, to fill the vacancy occasioned by the resignation of the Hon. Linton Stephens; and in case said day should elapse without convening for said purpose, then so soon after this resolution shall pass and the House shall inform the Senate of their readiness to receive them.

To elect
Judge of the
Supreme Ct.

Assented to Nov. 9th, 1860.

State Treasurer.—Electors.—Deaf and Dumb Asylum.—Rev. Dr. Lipscombe.—Hon. I. T. Irvin.

(No. 2.)

Resolved by the Senate and House of Representatives of the General Assembly of the State of Georgia: That the General Assembly will proceed to the election of a Treasurer of the State of Georgia, at 11 o'clock on Monday morning the 12th inst.
Assented to Nov. 12th, 1860.

Election of
Treasurer
proceeded to.

(No. 3.)

Resolved, That upon the concurrence of the House of Representatives in this resolution, the General Assembly meet in the Representative Hall on Thursday the 29th instant, at 11 o'clock A. M. to choose ten Electors to cast the vote of the State of Georgia, for President and Vice President of the United States, in pursuance with the laws of the same.
Assented to Nov. 26th. 1860.

To choose
Electors to
cast the vote
of the State
of Georgia.

(No. 4.)

Resolved, That the Committee on the Deaf and Dumb Asylum, be and they are hereby authorized, to appoint a sub-committee of three, who, acting in conjunction with a committee of five members of the House of Representatives, shall forthwith proceed to visit and examine the Institution for the education of the Deaf and Dumb, at Cave Springs, Floyd county, and report upon the management, condition and wants of the Institution, to the present session of the General Assembly.
Assented to Nov. 29th, 1860.

A committee
to examine
and report
upon the con-
dition of the
Deaf & Dumb
Asylum.

(No. 5.)

Resolved, That the thanks of the General Assembly of the State of Georgia be, and are hereby tendered to the Rev. Doctor Lipscombe, Chancellor of the University of Georgia, for the profound and eloquent discourse delivered in the Representative Hall, on yesterday the 28th inst; and that the committee of arrangement be authorized to request a copy for publication; and in the event of obtaining the same, that one thousand copies be printed for the use of the Senate and House of Representatives.
Assented to November 30, 1860.

Thanks ten-
dered to the
Rev. Dr.
Lipscombe.

A copy of his
address re-
quested for
publication.

(No. 6.)

Resolved, That the House of Representatives has received with profound sensibility, intelligence of the death of its late Speaker, ISAIAH T. IRVIN.

In relation to
the death of
Hon. I. T.
Irvin.

Resolved, That in his death the State has sustained incalculable loss in her public councils; this House has been deprived of the services of a presiding officer rarely equaled, and never surpassed in efficiency, fairness and courtesy; society has lost one of its most useful members, and the cause of morality and religion a faithful defender.

Volunteer Companies.—Maynard Rifles and Carbines.—Boundary between Ga. and Fla.

Resolved, That the House will pay proper respect to the memory of the honored dead, and manifest their sympathy with his bereaved family, by wearing the usual badge of mourning for thirty days, and by adjourning until 10 o'clock on Monday morning, by respectfully requesting his Excellency the Governor and the State House officers, to wear the usual badge of mourning for thirty days, and suspending the business of their various departments for to-day, and by draping the Speaker's desk in mourning for, and during the space of ten days.

Badge of mourning worn.

Resolved, That these Resolutions be spread upon the Journals of the House, and that a copy of them be forwarded by the Clerk to the family of the deceased.

The Resolutions preserved on the Journals.

Approved December 1, 1860.

(No. 7.)

Resolved, by the Senate and House of Representatives, That His Excellency the Governor, be requested to furnish the officers of the various Volunteer Companies of this State, with such side, and other arms, as may be necessary for their complete equipment.

Side Arms furnished to Officers of Vol. Companies.

Assented to December 7, 1860.

(No. 8.)

Resolved by the Senate and House of Representatives of the State of Georgia, in General Assembly met, That the Governor be required to purchase of the manufacturers two hundred and fifty Maynard Rifles, twenty-six inch barrels, and seven hundred and fifty Maynard Carbines, twenty inch barrels, with the necessary implements to said guns, for the defence of the coast of Georgia, out of the one million dollars appropriated for the defence of the State.

Purchase of Arms for defence of the Coast.

Assented to December 14, 1860.

(No. 9.)

Resolved by the Senate and House of Representatives of the State of Georgia, That the present session of the General Assembly, be extended and continued to Wednesday the 19th instant at the hour of five o'clock, P. M.

Session extended.

Assented to December 14, 1860.

(No. 10.)

Resolved, by the General Assembly, That the Governor of Georgia be directed to re-open negotiations with the authorities of the State of Florida, in regard to the boundary line between the two States, and to urge the adjustment of the disputed line, so as to protect the rights of citizenship of the people residing near the line, who have been recognized by the laws and constitution of this State, as being citizens of Georgia, and so as also to protect the titles of citizens to the lands which they hold under grants issued by this State; and to have, if practicable, the boundary fixed, so as to retain and keep the fractional lots of land sold by Georgia within the jurisdiction of this State.

Adjusting boundary line between Georgia and Florida.

Assented to December 14, 1860.

Hon. Win. L. Harris—Commodore Jas. McIntosh.—Federal Relations.

(11.)

WHEREAS, A message from his Excellency the Governor, has informed the House of Representatives that the Hon. William L. Harris, a Commissioner from the State of Mississippi to the State of Georgia, has arrived at the Capital:

Resolved, That a Committee be appointed by the Speaker to wait upon the Hon. William L. Harris of Mississippi, and tender him a seat upon the floor of this House; and also to act in concert with a Committee to be appointed by the Senate to inform him that the General Assembly of the State of Georgia will be ready to receive and hear him in the Hall of the House of Representatives, on Monday, at 12 o'clock M.

Committee appointed to wait upon the Hon. W. L. Harris, Com. from Mississippi.

Resolved, That the Senate be requested to concur in this action of the House of Representatives.

Assented to December 17th, 1860.

(No. 12.)

Resolved by the Senate and House of Representatives in General Assembly met, That his Excellency the Governor be, and he is hereby requested to have removed from the vault, in which they now rest, at or near the Navy Yard at Pensacola, the remains of the late Commodore James McIntosh, an illustrious son of Georgia, and to have the same interred within the State of Georgia, at such place as the nearest relatives of the deceased may desire; and that the expenses attending such removal and interment be paid out of the contingent fund.

The remains of James McIntosh removed.

Assented to December 18th, 1860.

(No. 13.)

Resolved by the General Assembly, That the Hon. John S. Fain, Representative of the county of Union be, and he is hereby authorized to receive and receipt for the amount severally appropriated to Minard B. Saxton, James McCrary, Bluford L. Dyer, William Nix, and William Hood, of the county of Union; and that Hon. M. M. Mintz, of the county of Jackson, be authorized to receipt for the amount appropriated to John Wilhite, of said county.

John S. Fain authorized to receive certain amounts.

Assented to December 19th, 1860.

(No. 14.)

Preamble. WHEREAS, A large portion of the people of the non-slaveholding States, have for many years past, shown in many ways, a fanatical spirit bitterly hostile to the Southern States, and have, through the instrumentality of incendiary publications, the pulpit, and the newspaper press, finally organized a political party for the avowed purpose of destroying the institution of slavery, and consequently spreading ruin and desolation among the people in every portion of the country where it exists. And,

Response to the State of Mississippi.

Whereas, This spirit of fanaticism has allied itself with a design, long entertained by leading politicians of the North, to wield the taxing power of the Government for the purpose of protecting and fostering the interests of that section of the Union, and also to appropriate the common Territories of the United States to the exclusive use of Northern emigration, for the purpose of extending, consolidating, and rendering that power irreversible. And,

Preamble.

Whereas, These designs and movements have attained such ascendancy, as to combine a large majority of the Northern people in this sectional party, which has elected to the Presidency and Vice-Presidency of the United States, candidates who are pledged in the most solemn form, and by the plainest, repeated declarations, to wield all the influence and power of the Federal Government to accomplish the objects and purposes of the party by which they have been elected. And,

Preamble.

Whereas, Many of the slaveholding States are about to assemble in Conventions for the purpose of adopting measures for the protection of their rights and the security of their institutions. And,

Preamble.

Whereas, The State of Mississippi has, in a noble spirit of fraternity, sent a Commissioner to communicate to this General Assembly her desire in this emergency in our federal relations. Therefore be it

Resolved, 1st. That the General Assembly of Georgia has listened with sentiments of profound sympathy and respect to the message of Mississippi, on the subject of the present threatening relations of the Northern and Southern sections of the United States, communicated by her distinguished commissioner, the Hon. William L. Harris.

Reception of Com'r.

Resolved 2d. That, believing as we do that the present crisis in our national affairs demands resistance, this General Assembly, at its present session, has with great unanimity passed an Act providing for the call of a convention of the people of Georgia, to assemble on the 16th day of January, 1861, for the purpose of determining on the *mode, measure* and time of that resistance.

Relating to a Convention to assemble in 1861.

Resolved 3d. That we cordially respond to the patriotic hopes of Mississippi, so earnestly expressed by her Legislature, and so ably communicated by her commissioner; and we do hereby give to our sister State the confident assurance that, in our judgment, Georgia will promptly co-operate with her in the adoption of efficient measures for the common defense, safety and honor of the South.

Response to the State of Mississippi.

Resolved 4th. That, should any or all of the Southern States determine in the present emergency to withdraw from the Union and resume their sovereignty, it is the sense of this General Assembly that such seceding States should form a confederacy under a republican form of government; and to that end they should adopt the Constitution of the United States, so altered and amended as to suit the new state of affairs.

Republican form of Government recommended.

Resolved 5th. That we do hereby express our cordial appreciation of the dignified and gentlemanly bearing of the Hon. William L. Harris towards this General Assembly, as well as the satisfac-

Appreciation of the Commissioner.

Session extended — Relative adjourning Courts during the holding of the Convention.

tory manner in which he has discharged the responsible duties of his high commission.

The proceedings enrolled on parchment and presented to the Commissioner.

Resolved 6th. That his Excellency the Governor be, and he is, hereby requested to cause all the proceedings in the reception of the Commissioner from the State of Mississippi to be enrolled on parchment, signed by the officers of both Houses of the General Assembly, and by the Governor, with the seal of State attached thereto; and that the same be presented by him to the Hon. William L. Harris, as the response of Georgia to the friendly greeting of Mississippi.

Committee on the part of the Senate,

{ T. BUTLER KING,
HINES HOLT,
HUGH M. MOORE,
L. H. BRISCOE,
A. R. LAWTON,
DAN'L S. PRINTUP.

*Committee on the part of the House
of Representatives,*

{ JULIAN HARTRIDGE,
GEO. N. LESTER,
CLIFFORD ANDERSON,
M. W. LEWIS,
ISHAM S. FANNIN,
GEO. T. BARNES,
JOHN L. HARRIS.

Assented to December 19th, 1860.

(No. 15.)

Resolved, by the General Assembly, That its session be extended to 5½ o'clock.

Session extended.

(No. 16.)

Preamble.

WHEREAS, the session of the approaching State Convention will be cotemporaneous with the sessions of certain Courts in this State, *and whereas* the lawyers, Judges and other officers of said Courts may be members of said Convention, *and whereas* it is important that the deliberations of said Convention shall not be interrupted by extraneous circumstances. Therefore,

Relating to adjournment of Courts during the holding of the Convention.

Resolved, by the Senate and House of Representatives, That it is the sense of this General Assembly that all such Courts should be adjourned, for the reasons aforesaid.

Assented to December 19th, 1860.

INDEX.

A.		ALMAN, MOSES T.	
ACADEMIES.		To be paid for teaching poor children in Heard Co.,	29
Blackshear Academy, incorporated,	168	ALTAMAHA RIVER.	
Black Spring Academy, incorporated,	80	Lien given upon Steamboats on,	48
Bear Creek Academy, incorporated,	169	AMBROTYPEPISTS.	
Dallas Male and Female Academy, incorporated,	170	Taxed,	60
Hepsibah High School, incorporated,	173	AMACALOLA CAMP GROUND,	
Mount Vernon Academy, incorporated,	75	Incorporated,	72
Oglethorpe Academy, incorporated,	171	AMMONS, SARAH.	
Oxford Female Academy, incorporated,	75	For the relief of,	221
ACADEMY FOR THE BLIND.		AMMONS, WM. J.	
See "Georgia Academy for the Blind," in <i>Index</i> .		For relief of,	221
ACWORTH,		ANDERSON, THOS. W.	
Incorporated,	84	Executorship of, legalized,	188
ADJUTANT GENERAL.		ANSWER,	
Office of, created,	51	To <i>certiorari</i> , may be traversed,	45
ADMINISTRATORS.		APPLING COUNTY.	
See "Exr's., Trustees, Guardians, Administrators, and Ordinaries," in <i>Index</i> .		Lot No. 172, of Ware, added to,	143
AGRICULTURE & COMMERCE.		Road Laws changed,	222
Belgian American Co. incorporated,	7	APPRENTICES.	
Name of Southern Central Agricultural Society, changed to "Georgia State Agricultural Society,"	10	Importers of,	11
Annual appropriation of \$2,-500, to same,	10	APPROPRIATIONS.	
\$2,500 appropriated to Cotton Planters Convention,	10	\$600,000 may be raised by taxation, in 1861,	13
Measurement of timber,	10	Salary of Governor for 1861,	13
Importers of indented apprentices and servants,	11	" " State House officers,	13
ALA. PLANTERS' STEAM-BOAT COMPANY.		" " Secy's. Ex. Kep't.	13
Act incorporating,	201	" " Messenger Ex. Dp't.	13
		" " Atty. & Sol's. Gen.	13
		" " Judges Supe. Court,	13
		" " Judges Supr. Court,	13
		Contingent Fund of 1861,	13
		Printing Fund of 1861,	13
		Salary of Chaplain Pent'y.	13
		Pay to take care of Senate Chamber and Representative Hall,	13
		Salary of Sup't. and Res't. Phys'n. Lunatic Asylum,	13
		Lunatic Asylum, appropriations and regulations for,	14
		Appropriation to pay out-	

APPROPRIATIONS—*Continued.*

standing balance against Asylum,	14
Appropriation for support of patients of Asylum for 1861,	14
Appropriation to procure water for Asylum,	14
Appropriation to purchase provisions for Penitentiary,	14
Appropriation for State House guard for 1861,	14
Appropriation to pay salary of State Librarian,	14
Appropriation to buy books for State Library,	14
Appropriation to Clerk Supe. Court to buy stationery, &c., in 1861,	15
Appropriation to pay for repairing, winding, &c., State House Clock,	15
Appropriation to pay salary of Sup. Ga. Military Institute, in 1861,	15
Appropriation for pay of officers and members of General Assembly,	15-6
Appropriation to pay for cleaning, lighting, &c., of Chandeliers, during Session,	16
When appropriations may revert,	16
Advances to State officers,	16
Appropriation to Penitentiary for completing buildings,	17
Appropriation to pay salaries of Codifiers,	17
Gov. may draw his warrant to pay for service not provided for,	17
Pay to committee on Code,	17
Salaries fixed by law, appropriated annually,	17
Pay to Board of Visitors to Franklin College,	17
Pay to Board of Visitors to Geo. Military Institute,	17
Pay to Clergymen for opening Session with prayer,	17
Pay to Carpenters for repairs on Ga. Military Inttute,	18

Appropriations—*Continued.*

Appropriation to Institution for Deaf and Dumb,	18
Appropriation to Dr. L. L. Clark,	18
Appropriation to inclose monument to Gov. Irwin,	18
Appropriation to sub-committee visiting Asylum for Deaf and Dumb,	18
Appropriation to Hon. Jno. Tillman,	18
Appropriation to Jno. A. Morris, Census Taker,	18
Appropriation to pay expenses of State Convention in 1861.	18
Appropriation to Hon. Howell Cobb, of Houston,	19
Appropriation to Thompson and Moore,	19
Appropriation to Milligan P. Quillian,	19
Appropriation to Dow Wright, Tax Collector of Bibb Co.	19
Compensation to State Tr. for extra services,	19
Compensation to Commissioner to Europe, in reference to Belgian American Co.	19
School Fund of Charlton Co. for 1859, re-appropriated,	19
Appropriation to pay bills and expenses of wounded Cadets,	20
State Tr. to make advances to members of General Assembly,	20
To State Printers,	20
For the relief of Littleberry James,	65
To furnish money to the Medical College of Georgia,	66
To erect a turnpike and bridge across the Alapaha River,	66
To erect a bridge and turnpike across Spring Creek, in Miller County,	67
To pay L. A. Simpson for extra work on Mil. Institute,	67
To compensate widow of David Harrison,	68

Appropriations.—Continued.

		B.	
To compensate Reporter of Supreme Court,	68	BAIL,	
For the relief of Jeremiah H. Dupree,	69	May be given for slaves and free persons of color in criminal cases,	57-8
For the relief of Hiram L. Travis,	69	BAKER COUNTY.	
Appropriation to James McCrairy, and others,	70	Lines between Calhoun and, changed,	137
\$500 to John M. Wilhite,	70	Extra pay to Tax Receiver of,	147
For the relief of C. D. Crittenden,	71	BALDWIN COUNTY.	
Appropriation to Samuel P. Thurmond,	72	Pleasant Grove Church in, incorporated,	80
Appropriation to M. M. Mintz,	72	Black Spring Academy in, incorporated,	80
ATHENS.		A. W. Starke may administer on estate of Geo. W. Harrison, deceased,	185
Pioneer Hook and Ladder Co. in, incorporated,	113	BANKS AND BANKING.	
Athens Insurance Company in, incorporated,	115	Seventh Sec. of Act of 1857, amended,	21
ATHENS INSURANCE CO.		Drafts, Exchange, &c.,	21
Incorporated,	115	Part of 10th section of Act of 1857, repealed,	21
ATLANTA.		Banks may sell time checks,	21
Union Loan and Building Association, incorporated,	136	Suspension authorized till 1st December, 1861,	22
City charter amended,	90	Collection of debts suspended till 1st December, 1861,	22
Hook and Ladder Co. in, incorporated,	113	Levies, sales, &c.,	22
ATLANTA HOOK & LADDER COMPANY,		Statute of limitations suspended till 1st December, 1861,	22
Incorporated,	113	Costs may be still collected,	23
ATTORNEY AND SOLICITORS GENERAL.		Further provisions as to levy upon and sale of property,	23
Duties of, in suing on bonds given by vagrants,	44	Per cent. allowed to be received by Banks for exchange,	23
Their fees in such cases,	44	Insolvent Banks may be proceeded against under Act of 1840,	23
Salaries of,	13	BANKS COUNTY.	
AUGUSTA.		Nail's Creek Church incorporated,	77
Trust funds may be invested in bonds of the city of,	31	Compensation to Sheriff of,	147
Second Baptist Church in, incorporated,	79	Charlton Chapel incorporated,	173
Charter of Volunteer Battalion in, amended,	231	BEAR CREEK ACADEMY,	
AUGUSTA MUTUAL LOAN ASSOCIATION,		Incorporated,	169
Incorporated,	135	BELGIAN AMERICAN CO.,	
		Incorporated,	7
		BETHLEHEM M. E. CHURCH,	
		Incorporated,	73

BIBB COUNTY.

Time of holding Sup'r Court in, 39
 Time of holding Inf'r Court in, 41

Special tax may be levied and collected for relief of the poor, 229

Volunteer Battalion in Macon incorporated, 232

BIVINS, J. M.

For relief of, 217

BLACKSHEAR.

Act incorporating, amended, 87

BLACKSHEAR ACADEMY, Incorporated, 168

BLACK SPRING ACADEMY, Incorporated, 80

BLIND ACADEMY.

See "Georgia Academy for the Blind," in *Index*.

B'NAI BRISS ASSOCIATION, Incorporated, 81

BOARD

Of Inspectors for Georgia Military Institute, 35-36

Of Visitors for Georgia Military Institute, 36

BONDS.

Governor may issue to raise money for the defence of the State, 49

Given by vagrants, suits how brought on, 44

Trust funds may be invested in Bonds of cities of Augusta and Savannah, 31

BOWEN, G. W.

Residence of changed to Pualaski, 145

BRANCH R. R. OF S. W. R. R.

Act to construct a road from Albany to Dawson, or any point west of the latter, 197

BRIDGE,

Across Allapaha River, in Irwin county, 66

Across Spring Creek in Miller county, 66

BROOKS, MARTHA

May inherit estate of Francis Brooks, 188

BRYAN COUNTY.

Time of holding Sup'r Court in, 39

Free negroes not to be brought into, by sea captains, 154
 Patrols in, 206

BRYAN, JAS. M.

Residence of, changed to Wayne county, 146

BUNCH, SARAH

Residence of, to be included in Gordon county, 141

BURKE COUNTY.

Retail license in, 152

Camp hunting in, 153

Relief of E. Palmer and W. L. Buxton, 213

BURNEY, A. A.

Residence of changed to Wayne county, 146

BURNEY, W. J.

Residence of changed to Wayne county, 146

BUTTS COUNTY.

Act incorporating Ocmulgee Mills, amended, 118

Line between, and Henry, changed, 140

Residence of G. W. Thurston changed to, 140

BUXTON, WM. L. Relief of, 213

C.

CADETS.

Expenses of wounded ones to be paid, 20

CALHOUN COUNTY.

Time of holding Supr. Ct. in, 167

Lines between Baker and, changed, 137

Line between Randolph and, changed, 145

Poor schools, 182

CALLAHAN, LORENZO.

Residence changed from Jefferson to Glasscock co., 139

CAMDEN COUNTY.

Time of holding Supr. Cts. in, 41

Captains of vessels not to bring free negroes into, under penalty of \$100, 154

Camden County.—Continued.

Road laws changed,	223
CAMP GROUNDS.	
See each by name in <i>Index</i> .	
CARROLL COUNTY.	
Time of holding Supr. Cts. in,	41
All suits in Heard co. against	
B. H. Wright, to be trans-	
ferred to Carroll,	46
Line changed between, and	
Haralson co.	139
Voting of M. Reid in, legalized,	139
CARTERSVILLE.	
Agricultural lands in, exempt	
from city tax,	111
Corporate limits changed,	111
CASS COUNTY.	
All agricultural lands in Car-	
tersville, exempt from city	
tax,	111
Corporate limits of said town	
changed,	111
No. 1282 in the 17th Dist. of	
Cass, added to Polk co.,	144
Mark A. Harden, may sell cer-	
tain property,	186
Mary A. Graham, admx. may	
sell certain property of estate	
at private sale,	186
CATOOSA COUNTY.	
Time of holding Infr. Cts. in,	41
Shff. and dept. Shff. pay to, for	
attendance on Court,	148
Offices of Tax Receiver and	
Collector consolidated in,	148
Tax Collector not to have	
comms. on county tax,	149
Fees of juries regulated in,	154
“ “ Shffs. for summoning	
juries,	155
Fees of jurors in Justices' Cts.	
in,	155
CERTIORARI.	
Answer to may be controverted,	45
CHAPLAIN OF PENITENTIARY.	
His salary for 1861,	13
CHAPMAN, J. F.	
Residence of changed to Wayne	
co.,	146

CHARGES OF COURT.

To be given in writing, in cer-	
tain cases,	42
CHARLTON CHAPEL.	
Incorporated,	173
CHARLTON COUNTY.	
School fund for, of 1859, re-	
appropriated,	19
Time of holding Supr. Cts. in,	41
Act of 19th Dec. 1859, amend-	
ed,	155
CHATHAM COUNTY.	
B'Nai Briss association in, in-	
corporated,	81
Orphans' Home, chatr. amend-	
ed,	82
Extra tax to be assessed and	
collected to build new jail,	
\$10,000 a year, for 3 yrs.	227
CHATTAHOOCHEE COUNTY.	
Time of holding Supr. and	
Infr. Cts. in,	38
Attached to Chattahoochee	
Circuit,	38
Poor Schools,	183
CHATTAHOOCHEE RIVER.	
Lien given upon Steamboats	
on,	
CHATTOOGA COUNTY.	
Summerville incorporated,	96
Poor schools,	183
CHEROKEE ARTILLERY.	
Incorporated,	52
Privileges granted to.	53
CHEROKEE COUNTY.	
Road laws amended,	224
CHOICE, WM. A.	
Pardon and commitment to	
Lunatic Asylum, of,	205
CHURCHES AND CHARITA-	
BLE INSTITUTIONS.	
Amacalola Camp Ground in-	
corporated,	72
M. E. Church and Camp	
Ground, at Bethlehem, incor-	
porated,	73
Liberty Hill Baptist Church	
incorporated,	74
Oxford Female Academy in-	
corporated,	75

Churches and Charitable Ins.—Cont'd.

Kea's M. E. Church incorporated,	75
Mt. Vernon Church incorporated,	75
Mt. Vernon Academy incorporated,	75
Friendship Baptist Church incorporated,	76
Mulberry Methodist Camp Ground incorporated,	77
Nails Creek Baptist Church incorporated,	77
Poplar Spring M. E. Church incorporated,	78
Town of Thomasville, charter amended,	78
Prospect Camp Grand incorporated,	79
Second Baptist Church incorporated,	79
Pleasant Grove Church incorporated,	80
Pleasant Grove Academy incorporated,	80
Black Spring Academy incorporated,	80
Charter of the Presbyterian Church at Walthoursville amended,	81
B'Nai Briss United Brothers incorporated,	81
Corporate name changed to Orphans Home of the P. E. Church,	82
Pine Grove Lodge No. 177 incorporated,	83
Kivlin Lodge No. 146 incorporated,	83
CITIES AND TOWNS.	
Acworth, incorporated,	84
Colquitt " "	86
Blackshear, act of incorporation amended,	87
Columbus, subscription to O. and T. R. R. Co. made valid,	89
Dalton, Charter amended,	90
Atlanta, additional to acts incorporating,	90
Cumming, corporate limits extended,	91

Cities and Towns.—Continued.

Darien, election of Mayor,	92
Monroe, no slave shall keep eating table in, &c.,	92
Montezuma incorporated,	93
Monticello, charter amended,	95
Rome, subscription to Alabama R. R.	97
Spring Place, charter amended,	98
Talbotton incorporated	99
Tallapoosa " "	103
Charter of Grand Lodge of Knights of Jericho amended,	104
Trenton incorporated,	104
Valdosta " "	107
Monroe, corporate limits extended,	110
Rome, Mayor's election,	111
Hillsboro, charter amended,	111
Waresboro, commissioners to open streets, &c.,	111
Washington, charter amended,	112
CLARKE COUNTY.	
Oconee Hill Cemetery incorporated,	113
Pioneer Hook and Ladder company incorporated,	114
Athens Insurance company incorporated,	115
Line changed between, and Jackson co.,	140
Plantation of G. W. Hudson to be in,	140
Compensation to Receiver of Tax Returns for Co. Tax,	148
CLAYTON COUNTY.	
Line changed between and Fulton,	142
Residence of Wm. H. Deamy to be included in,	142
Time of holding Superior and Inferior Courts in,	40
Peddling spirituous liquors prohibited,	212
CLERKS SUPERIOR CTS.	
Allowed two days from filing of bill in equity, to copy,	44
CLINCH COUNTY.	
Removal of county site,	165
COBB COUNTY.	
Acworth in, incorporated,	84

<i>Cobb County.—Continued.</i>		<i>Columbus.—Continued.</i>	
Peddling spirituous liquors prohibited,	212	Georgia Insurance Co. in, incorporated,	116
COBB, HON. HOWELL.		Name of "Columbus Savings and Mutual Loan Association" changed, and charter amended,	134
Appropriation to,	19	COMMISSIONER.	
COBB, T. R. R.		Of Insurance companies, Act of 1859, in reference to, postponed,	37
Former Repr. Supe. Ct. appropriation to for Reports,	68	COMMON SCHOOLS.	
CODE OF GEORGIA.		School fund in Dawson co.,	177
Adopted,	24	" " " Haralson co.,	177
To go into effect 1st Jan'y, 1862,	24	Return of poor children in Lumpkin co.,	178
Laws and Resolutions of, present Session, to be incorporated in Code,	24	Regulations as to, in Rabun co.,	179
Code of laws of city of Savannah also to be incorporated in,	24	Management of, in Whitfield co.,	180
Printing of,	25	See also, "Teachers of Poor children," in <i>Index</i> .	
5,000 copies of, to be printed for State,	25	CONTINGENT FUND.	
One of Codifiers to supervise the printing of,	25	of 1861,	13
Price of copies furnished citizens of Ga., not to exceed \$3, each,	25	CONSTABLES,	
COFFEE COUNTY.		May serve processes in adjoining Dist. in certain cases,	47
Road laws changed,	222	CONSTITUTION.	
COLLEGES.		Amendments to,	25-6
College Temple, act incorporating amended,	171	CONVENTION.	
Fort Valley Female College, incorporated,	172	State, calling of,	26
LaGrange Female College, charter amended,	175	Appropriation to defray expenses of,	18
Medical College of Georgia, appropriation to, of \$10,000,	66	<i>Cotton Planters'</i> , appropriation to,	10
Young's Female College, incorporated,	176	COOSA AND CHATTOOGA RIVER R. R.	
COLUMBIA COUNTY.		To aid in the construction of,	190
Retail of spirituous liquors in,	153	CORPORATIONS.	
COLLEGE TEMPLE.		Oconee Hill Cemetery, incorporated,	113
Acts incorporating, amended,	171	Pioneer Hook and Ladder Company, incorporated,	113
COLQUITT.		Atlanta Hook and Ladder Company, incorporated,	114
Incorporated,	86	Athens Insurance Company, incorporated,	115
COLQUITT COUNTY.		Georgia Insurance Company, incorporated,	115
Road Laws amended,	224	Ocmulgee Mills, Charter amended,	118
COLUMBUS.			
Subscription by city council of, for stock in O. & T. R. R. Co., legalized,	89		

Corporations.—Continued.

Courtney Hydraulic Hose Mining Company, incorporated,	119
Georgia Whitepath Gold and Copper Company, Charter amended,	122
Loud Hydraulic Hose Mining Company, incorporated,	124
Mountain town Hydraulic Hose Mining Company, incorporated,	126
Nacoochee Hydraulic Mining Company, Charter amended,	129
Stephenson Gold Mining Company, incorporated,	130
Wood Hydraulic Hose Gold Mining Company, incorporated,	132
Columbus Savings and Mutual Loan Association, Charter amended, and name changed,	134
Home Loan Association incorporated,	135
Peoples Mutual Loan Association, incorporated,	135
Augusta Mutual Loan Association, incorporated,	135
Union Loan and Building Association, Charter re-affirmed,	136
COSTS.	

Collection of, not to be suspended by suspension Act,	23
---	----

COTTON PLANTERS' CONVENTION.

Appropriation to, of \$2,500,	10
-------------------------------	----

COUNTY LINES.

Calhoun and Baker, to change the line between,	137
Emanuel and Johnson, to change the line between,	137
Forsyth and Milton, to change the line between,	138
Glasscock and Jefferson, to change the line between,	138
Haralson and Carroll, to change the line between,	139
To relieve Mathew Reid from illegal voting,	139

County Lines.—Continued.

Henry and Butts, to change the line between,	140
Pulaski and Wilcox, to change the line between,	140
Jackson and Clarke, to change the line between,	140
Jackson and Madison, to change the line between,	140
Towns and Union, to change the line between,	141
Deed made by Sheriff of Towns county, made legal	141
Lowndes and Echols, to change the line between,	141
Pickens and Gordon, to change the line between,	141
Lumpkin and Dawson, to change the line between,	142
Fulton and Clayton, to change the line between,	142
Macon and Dooly, to change the line between,	142
Macon and Sumter, to change the line between,	143
Meriwether and Talbot, to change the line between,	143
Appling and Ware, to change the line between,	143
Newton and Jasper, to change the line between,	143
Polk and Cass, to change the line between,	144
Pierce and Wayne, to change the line between,	144
Randolph and Calhoun, to change the line between,	144
Stewart and Quitman, to change the line between,	145
Irwin and Wilcox, to change the line between,	145
Dooly and Pulaski, to change the line between,	145
Gilmer and Fannin, to change the line between,	145
Lumpkin and White, to change the line between,	145
Stewart and Quitman, to change the line between,	145
Telfair and Pulaski, to change the line between,	145

County Lines.—Continued.

Terrell and Webster, to change the line between,	146
Wayne and Glynn, to change the line between,	146

COUNTY OFFICERS.

Baker Inferior Court to pay Tax Receiver,	147
Banks, to compensate Sheriff of,	147
Milton, to compensate Sheriff of,	147
Whitfield, to compensate Sheriff of,	148
Fulton, to compensate Sheriff and Deputy Sheriff,	148
Murray, Sheriff entitled to \$40 00,	148
Clarke, to compensate Tax Receiver of,	148
Catoosa, to consolidate office of T. R. and T. C.	148
Muscogee, to compensate offices of T. R. and T. C.,	149
Muscogee Inferior Court to levy extra tax,	149
Dade, to consolidate offices of T. R. and T. C.,	149
Echols, to consolidate offices of T. R. and T. C.,	149
Jasper, T. Dillard authorized to act as Clerk of the Inferior Court	150
Stewart, Francis M. Pierce to collect taxes,	151

COUNTY REGULATIONS.

Burke, to regulate granting of retail license,	152
Burke, to prevent camp hunting by non-residents,	153
Camden, to prevent introduction of free negroes,	154
Bryan, to prevent introduction of free negroes.	154
McIntosh, to prevent introduction of free negroes,	154
Glynn, to prevent introduction of free negroes,	154
Catoosa, to regulate fees of Jurors,	154

County Regulations.—Continued.

Dade, to regulate fees of Jurors,	154
Catoosa, fees of Jurors amended,	155
Charlton, of cutting ranging timber,	155
Decatur, to compensate Justices of the Peace,	156
Emanuel, to pay tax on grazing stock cattle,	156
Dade, to pay tax on grazing stock cattle,	156
Emanuel to pay officers and Petit Jurors,	157
Fulton, to punish for stealing wood,	157
Habersham, Act of 29th Dec. 1847, repealed,	158
Irwin, taxing cattle of non-residents,	159
Murray, not to sell spirituous liquors on election days,	159
Pickens, betting at "crackaloo,"	160
Taliaferro, to regulate the liquor traffic,	160
Greene, to regulate the liquor traffic,	161
Washington, to regulate the liquor traffic,	161
Henry, to regulate the liquor traffic.	161
Tattnall, no one shall obstruct the free passage of Pendleton Creek,	162
Union, to prevent obstruction of Notley River,	162
Walker, to compel Guardians of free negroes, &c.,	163
Thomas, to compel Guardians, of free negroes, &c.,	163
Henry, to compel Guardians, of free negroes, &c.,	163
Upson, to compel Guardians, of free negroes, &c.,	163
Webster, to make penal using poison in water courses,	164
Wilcox, to prevent firing of the woods at certain times,	164

COUNTY SITES.

Clinch, to move the public
buildings of, 165

Lowndes, commissioners to
locate county site, 166

Lowndes, commissioners to
pay out county funds, 167

Calhoun, time of holding Su-
perior Court changed, 167

Ware, to order a vote as to
building a New Court House, 167

COUNTY SURVEYOR.

Where none in county, any
competent Surveyor may lay
off lands exempt for use of
debtor's family, 37

COURT HOUSE DOOR.

Notice of application for let-
tess of Administration need
not be given at, 34

COURTICAY HYDRAULIC
MINING COMPANY.

Incorporated, 119

CRAWFORD COUNTY.

Peddling spirituous liquors
prohibited, 212

CRITTENDEN, C. D.

Relief of, 71

CUMMING.

Corporate limits, extended,
D. 91

DADE COUNTY.

Town of Trenton in, incor-
porated, 104

Offices of Tax Rec. and Col.
consolidated, 149

Fees of Juries in, in Sup'r.
and Inf'r. Courts, 154

Fees of Sheriffs in, 155

Cattle of non-residents in, 156

Physicians exempt from jury
duty, 213

Pay of tales jurors, 213

Dallas Male and Female Aca-
demy incorporated, 170

DALTON.

Charter of, amended, 90

DALTON AND JACKSON-
VILLE R. R.

For extension and consolida-
tion of, 191

DARIEN.

Charter of amended, 92

DAWSON COUNTY.

Amacalola camp-ground in,
incorporated, 72

Management of school fund
in, 177

DAWSON TURNPIKE COMPANY.

Act incorporating, 202

DAY, WM. CAPERS.

Name changed, 216

DEAF AND DUMB.

Three Trustees appointed for
Institution for education
of, 27

Principal, to reside in Institu-
tion, 28

Appropriation to, 18

Pay to sub-com. for visiting, 18

DEAMY, WM. H.

Residence of to be included in
Clayton county, 142

DEARING, A. P.

Acts of as adm'r. of Wm. Dear-
ing, legalized, 189

DECATUR COUNTY.

Justices of Peace in, to be
paid for returning lists of
poor children, 156

Road laws changed, 224

DEFAULTERS.

See taxes, in *Index*,

DOOLY COUNTY.

Relief of J. H. Dupree, late
Tax Rec'r. of, 69

Line between, and Macon
county changed, 142

Fifth district of, added to Pu-
laski county, 145

DOUGHERTY COUNTY.

Justices of Peace, made Patrol
Commissioners, 207

Peddling spirituous liquors pro-
hibited, 212

DRUGGISTS.

Prohibited selling poisonous
drugs to slaves, 55

Selling poisonous drugs, must
keep a register of such
sales, 55

DUBLIN.		<i>Education.—Continued.</i>	
Incorporated,	173	Lumpkin county, to return children entitled to school fund,	178
DUPREE, J. H.		Rabun county, to change the manner of disbursing the common school fund,	179
Appr'n. to, and relief of,	69	Whitfield county, a plan for using the school fund,	180
DYER, B. L.		Calhoun county, Ordinary to pay certain monies,	182
Appropriation to,	70	Towns county, Ordinary to keep his office open certain times of the week,	183
E		Chattahoochee county, to pay Jas. McNeil, \$28,00,	183
EATON, R. H.		Chattooga county, to pay J. A. Rose and J. Hammons for teaching poor children,	183
Residence of excluded from town of Thomasville,	78	Monroe county, to pay L. W. Jarrell for teaching,	184
ECHOLS COUNTY.		Walton county, to pay Mrs. C. J. Edwards for teaching,	184
Line between, and Lowndes, changed,	141	Newton county, to pay Samuel Lindsay for teaching,	184
Plantation of D. Washington, added to Lowndes county,	141	EFFINGHAM COUNTY.	
Offices of Tax Collector and Receiver, consolidated,	149	Patrol laws in,	208
EDUCATION.		Peddling spirituous liquors prohibited,	212
How teachers of poor children are to be paid when children not returned,	28	ELBERT COUNTY.	
Ordinary of Heard county to pay Moses T. Alman and Wm. M. K. Watts, for teaching poor children,	29	ALL laws authorizing persons to practice medicine in, without a diploma, repealed,	212
Blackshear Academy, incorporated,	168	ELECTIONS.	
Bear Creek Academy, incorporated,	169	When held for county officers, Judges Superior Courts, and Attorney and Solicitors General,	29
Dallas Male and Female Academy incorporated,	170	Act of 16th Dec. 1859, amended,	29
Oglethorpe Academy, incorporated,	171	Tax Collectors and Receivers of Tax Returns, to be elected every two years,	30
College Temple, explaining the charter of,	171	Collectors and Receivers to give bond annually,	30
Fort Valley Female College, incorporated,	172	Receiver may be dismissed for neglect of duty,	30
Charlton Chapel incor.,	173	<i>Precincts</i> may be changed, &c. by Inferior Court,	30
Hepzibah High School, incorporated,	173		
Dublin, town of, incorporated,	174		
Lagrange Female College, charter amended,	175		
Young's Female College, incorporated,	176		
Dawson county, to pay common school fund to the Ordinary,	177		
Haralson county, to pay common school fund to the Ordinary,	178		

EMANUEL COUNTY.

Kea's Church in, incorporat- ed,	75
Lines between Johnson and, changed,	137
Residences of A. Meeks and Wm. Flanders to be in Emanuel county,	137
Stock of non-residents in,	156
Superintendents of elections, to be paid,	157
Pay of petit jurors in,	157
Peddling spirituous liquors prohibited,	212
Practicing Physicians exempt from jury duty, in,	212

ESTATES.

When estate is worth not over \$100, the Ordinary may set apart same for support of widow and orphans,	34
Clerk Superior Court need not administer on insolvent es- tates,	34
See "Exr's. Trustees, Admr's. Grdn's. &c.," in <i>Index</i> .	

EVIDENCE.

Of execution of indentures of apprenticeship,	11
What admissible under act of 1847,	43

EXCHANGE.

Regulation as to selling of.	22--3
------------------------------	-------

EXR'S. ADMR'S. TRUSTEES,
GUAR'DNS. AND ORDI-
NARIES.

Trust funds may be invested in bonds of cities of Augus- ta or Savannah,	31
Trust funds of married women, and children may be invest- ed in land and negroes,	31
Judge Superior Court may pass order for such invest- ment, in vacation,	32
Legal representatives of de- ceased persons of other States, may sue in this State,	32
Distribution of negroes in cer- tain cases,	32

Ex'rs., Adm'rs., &c.—Continued.

Returns of representatives of deceased Guardians, &c., how made,	33
Ordinaries may issue execu- tions for 12 months' sup- port of widows and orphans,	33
Letters of administration here- tofore granted where no notice was given at Court House door, legalized,	34
Such notice not req'd. hereafter,	34
Clerk Superior Court not to be compelled to administer on insolvent estates, or when they are not worth over \$100,	34
Ordinary may set apart such estate for widow and or- phans,	34
How guardian of free person of color shall make his re- turn,	34
A. Wallace Stark, authorized to administer on the estate of George W. Harrison,	185
Mark A. Harden, authorized to sell certain property,	186
Wilkerson Sparks authorized to administer on certain es- tates and sell property thereof,	186
Elizabeth Lowther to appoint certain persons to act as her executors,	187
To provide for the disposal of the estate of Frances Brooks	188
To legalize the executorship of Thomas W. Anderson,	188
To legalize the acts and do- ings of A. P. Dearing, ad- ministrator,	189

F

FANNIN COUNTY.

Line change between, and Gil- mer,	145
FEEES,	
Of jurors in Dade and Catoo- sa counties,	154
Of Sheriffs in Dade and Catoo-	

Fees.—Continued.

sa counties for summoning juries,	155	Wood or timber not to be carried off of anothers land in, without consent of owner,	157
FLANDERS, WM.		G	
Residence changed to Emanuel county,	137	GENERAL ASSEMBLY.	
FLOYD COUNTY.		For pay of officers and members of, see "Appropriations," in <i>Index</i> ,	
Time of holding Sup'r Ct's in,	40	GEORGIA ACADEMY FOR THE BLIND.	
Prospect Camp-ground in, incorporated,	79	App'r'n to for support of pupils of, for 1861,	35
Act authorizing city council of Rome to subscribe for stock in the G. A. R. R. Co., amended,	97	Work Department provided for,	35
City council of Rome may elect a Mayor <i>pro tem</i> ,	111	GEORGIA INSURANCE CO.	
Charter of town of Killbobo amended,	111	Incorporated,	116
FORT VALLEY FEMALE COLLEGE.		GEORGIA MILITARY INSTITUTE.	
Incorporated,	172	App'n to pay salary of Superintendent of,	15
FORSYTH COUNTY.		App'n to pay for repairing buildings of,	18
Corporate limits of Cumming extended,	91	Expences, &c., of certain wounded cadets of, to be paid by State,	20
Line changed between, and Milton,	138	Board of Inspectors for,	35
Relief of James M. Summers,	214	" " visitors "	36
FOUNTAIN, MITCHELL.		App'n to pay Professors and Faculty of,	36
For the relief of,	221	Work done on Laboratory of,	67
FRANKLIN COUNTY.		GEORGIA STATE AGRICULTURAL SOCIETY,	
Poplar Spring Church incorporated,	78	Annual appropriations to, of \$2,500,	10
Tax may be levied and collected for the support of the poor,	227	GEORGIA WHITEPATH MINING Co.	
FRIENDSHIP BAPTIST CHURCH		Incorporated,	122
Incorporated,	76	GEORGIA WESTERN R. R.	
FULTON COUNTY.		To amend the charter of, and to grant the right of way of the W. A. R. R.,	192
Charter of the city of Atlanta amended,	90	GILMER COUNTY.	
Atlanta Hook and Ladder Co. in, incorporated,	114	Line changed between, and Fannin,	145
Union Loan and building Association incorporated,	136	Justices of the Peace to be paid for returning lists of poor children,	156
Line changed between, and Clayton co.,	142	Persons relieved from illegal voting,	215
Residence of Wm. H. Deamy to be in Clayton co.,	142	Marriage of J. M. Painter and Cynthia Robison legalized,	215
Sheriffs to be paid for attending courts,	148		

GLASSCOCK COUNTY.		H.	
Time of holding Inf'r Ct's in,	40	HABERSHAM COUNTY.	
Line changed between, and		Act of 29th Dec., 1847, re-	
Jefferson,	138	pealed,	158
Residences of J. T. L. Wilcher		HANCOCK COUNTY.	
and L. Callahan, to be in-		Extra tax for county purposes,	228
cluded in Glascock co.,	134	HARALSON COUNTY.	
GLYNN COUNTY.		Tallapoosa in, incorporated,	103
Time of holding Sup'r Ct's in,	41	Line changed between, and	
Line between, and Wayne,		Carroll,	139
changed,	146	Management of school fund in,	177
Importation of free negroes		HARRIS COUNTY.	
into,	154	Kivlin Lodge in, incorporated,	83
GORDON COUNTY.		Wilkerson Sparks, adm'r, may	
Line changed between, and		sell certain property on 1st	
Pickens co.,	141	Tuesday in Dec. 1860,	186
GOVERNOR.		HARRISON, DAVID.	
Salary of, for 1861, appropri-		App'n to children of,	68
ation to pay,	13	HEARD COUNTY.	
Abbreviation of enacting and		Moses T. Alman and David A.	
repealing clauses of acts, au-	3	Mancer of, to be paid for	
thorized by,		teaching poor children in,	29
May appoint Com'r to Europe		All suits in, vs. B. H. Wright,	
in connection with the Bel-	9	to be transferred to Carroll	
gian American Co.,		county,	46
Quarterly reports of said Co.		HENRY COUNTY.	
to be made to,	9	Liberty Hill church in, incor-	
Duties of, in reference to Luna-		porated,	74
tic Asylum,	14	Pine Grove Lodge in, incorpo-	
May draw his warrants to pay		rated,	83
for public services not pro-	17	Line changed between, and	
vided for,		Butts,	140
May appoint Boards of Inspec-		Residence of G. W. Thurston	
tors and Visitors for Geor-		changed to Butts co.,	140
gia Military Institute,	35-6	Retail license in,	160-1
GRAND LODGE.		Regulations as to free negroes	
Of Knights of Jerico, act in-		in,	163
corporating, amended,	104	HEPSIBAH HIGH SCHOOL.	
GREENE COUNTY.		Incorporated,	173
Retail of spirituous liquors in,	160	HILLSBORO.	
Justices of the Peace to be		Act incorporating, amended,	111
paid for making out lists of		HOME LOAN ASSOCIATION.	
poor children,	156	Incorporation,	135
Name of Wm. Capers Day,		HOOD, WM. J.	
changed,	216	Appropriation to,	70
GUARDIANS.		HOUSTON COUNTY.	
See "Ex's, Adm'rs, Trustees,		Peddling spirituous liquors	
Guard's. & Ordin's. in <i>Index</i> .		prohibited,	212
GWINNETT COUNTY.		Practicing physicians exempt	
Mulberry Camp-ground incor-		from jury duty,	212
porated,	77		

HUDSON, G. W.		point west of the latter,	197
Plantation of, to be included in		<i>South Western Railroad</i> , act to	
Clarke co.	140	amend the charter and to	
I		authorize further increase of	
INDEEPNDENT VOL. BATTAL-		stock,	197
ION OF AUGUSTA.		<i>Swainsboro Branch Railroad</i> ,	
Act incorporating, amended,	231	act incorporating,	198
INDEPENDENT VOL. BATTAL-		<i>Upson County Railroad</i> , act in-	
ION OF MACON.		corporating,	199
Incorporated,	232	<i>Skidway Shell Road Company</i> ,	
INSOLVENT DEBTORS.		charter amended.	200
Mode of surveying lands ex-		<i>Alabama Planters' Steam Boat</i>	
empt from levy and sale,	36	<i>Company</i> , act incorporating,	201
INSTITUTION FOR EDUCATION		<i>Dawson Turnpike Company</i> , act	
OF DEAF AND DUMB.		incorporating	202
See "Deaf and Dumb," in <i>In-</i>		<i>Savannah Western and Central</i>	
<i>dex</i> .		<i>Wharf Company</i> , act incor-	
INSURANCE COMPANIES.		porating,	204
Act of 1859, in regard to Com-		IRWIN COUNTY.	
missioner of Foreign Agen-		Turnpike and bridge in, appro-	
cies of, postponed,	37	priation for,	66
INTERNAL TRANSPORTATION.		Part of, added to Wilcox,	145
<i>Coosa and Chattooga River</i>		Tax on cattle of non-residents,	159
<i>Railroad</i> , to aid in the con-		Peddling spirituous liquors	
struction of,	190	prohibited,	212
<i>Dalton and Jacksonville Rail-</i>		IRWIN, GOV. JARED I.	
<i>road</i> , for the extension and		Monument over remains of, to	
consolidation of,	191	be inclosed,	18
<i>Georgia Western Railroad</i> , act		ITINERANT TRADERS.	
to amend the charter of, and		Act of 1859 repealed as to cit-	
to grant the right of way of		izens of slaveholding States,	54
the W. A. R. R.,	192	J.	
<i>Polk Slate Quarry Railroad</i> , act		JACKSON COUNTY.	
to grant the right of way of		Relief of John Willhite of,	70
the W. A. R. R.,	193	Line changed between Clarke,	140
<i>Macon and Brunswick Railroad</i> ,		Plantation of G. W. Hudson	
facilitate the construction of,	193	to be included in Clarke Co.,	140
<i>Middle Georgia Railroad</i> , act		Line changed between, and	
incorporating, amended,	194	Madison,	140
<i>Thomaston and Barnesville Rail-</i>		JAMES, LITTLEBERRY	
<i>road</i> , act to extend the line		Appropriation to children of,	65
of,	194	JASPER COUNTY.	
<i>Muscogee Railroad</i> . act to ex-		Superior Courts in, may hold	
tend the line of,	194	two weeks,	42
<i>Milledgeville Railroad</i> , act to		Extra panels of jurors may be	
subscribe stock in said road,		drawn,	42
and levy and collect tax by		Charter of Monticello amended,	95
the Inferior Court,	195	Line changed between, and	
<i>Branch Railroad of S. W. R.</i>		Newton,	143
<i>R.</i> , to construct a road from		Thos. Dillard to act as Clerk	
Albany to Dawson, or any		Superior Court,	150

Jasper County.—Continued.

Practicing physicians in, ex-	
empt from jury duty,	213
Tales jurors, pay of,	213

JEFFERSON COUNTY.

Line between and Glascock,	
changed,	138
Residences of J. T. L. Wilcher	
and L. Callahan, to be in-	
cluded in Glascock county,	139

JENKINS, STERLING S.

For relief of,	216
----------------	-----

JOHNSON COUNTY.

Line between Emanuel and,	
changed,	137
Residences of A. Meeks and	
Wm. Flanders hereafter to	
be in Emanuel county,	137

JONES COUNTY.

Elizabeth Lowther may ap-	
point certain persons her	
executors,	187

JUDGES

Of Supreme Court, salaries of,	13
Of Superior " " "	13
Of Superior Court to give	
charges to juries in writing,	42
Of Sup'r Court interested, At-	
torney present may preside,	43
Of Superior Courts, to give	
specially in charge to juries	
Act prohibiting the sale,	
&c., of weapons to slaves,	57
Of Superior Courts to give in	
charge to Grand Juries in	
the counties of Taliaferro,	
Greene, Washington, and	
Henry, the Act of 1860, reg-	
ulating the traffic in spiritu-	
ous liquors therein,	162

JUDICIARY.*Superior and Inferior Courts—When held in*

Bibb,	39, 41
Bryan,	39
Camden,	41
Calhoun,	167
Carroll,	41
Catoosa,	41
Charlton,	41
Chattahoochee,	38

Judiciary.—Continued.

Clay,	40
Floyd,	40
Glascock,	40
Glynn,	41
Muscogee,	40
Pike,	39
Polk,	41
Wayne,	41
Wilkinson,	41
County of Chattahoochee at-	
tached to Chattahoochee	
Judicial District,	38
Superior Court of Jasper Co.	
may hold two weeks,	42
Extra panels of jurors may be	
drawn for,	42
<i>Action, Proceedings, &c.</i>	
Judges of Superior Courts to	
give charges in writing,	42
Trial of causes when Judges	
interested, &c.,	43
Practice under Act of 1847, as	
to verdict, evidence, &c.,	43
Bills in Equity,	44
Service of Bills in Equity,	44
Mode of recovering on bonds	
for vagrancy,	44
<i>Certiorari</i> , answers to, may be	
traversed,	45
Service how perfected on	
Nashville and Chattanooga	
Railroad,	45
All suits, vs. B. H. Wright, in	
Heard county, to be trans-	
ferred to Carroll county,	46
<i>Courts of Special Jurisdiction.</i>	
Execution of Interrogatories	
for Justices' Courts,	47
Traverse of Attachments in	
Justices' Courts,	47
Constables, duties of as to serv-	
ing process, &c.,	47
JUSTICES' COURTS.	
Interrogators for, how execu-	
ted,	47
<i>Certioraris</i> from,	45
Grounds of Attachments re-	
turnable to, may be tra-	
versed, and how tried,	47

K.		<i>Lowndes County.—Continued.</i>	
KEA'S CHURCH.		Lot No. 354 added to county	
Commissioners appointed for,		of Lowndes,	141
and incorporated,	75	Relating to removal of county	
KIVLIN LODGE,		site,	166
No. 146, incorporated,	83	Commissioners, pay to,	167
KNIGHTS OF JERICO.		Peddling spirituous liquors pro-	
Grand Lodge of, Act incorpo-		hibited,	212
rating, amended,	104	LOWTHER, ELIZABETH	
L.		May appoint certain persons	
LAGRANGE FEMALE COLLEGE.		her Executors,	187
Charter amended,	175	LUMPKIN COUNTY.	
LANDS,		Line between and White Co.,	
Exempt from levy and sale,		changed,	145
mode of laying off,	36	Return of Poor Children in,	178
LAURENS COUNTY.		Road laws amended,	225
Dublin incorporated,	173	Extra tax authorized,	228
Practicing physicians in, ex-		LUNATIC ASYLUM.	
empt from jury duty,	213	See "State Lunatic Asylum,"	
Tales Jurors, pay of,	213	in <i>Index</i> .	
LAVENDER, SAMUEL			
For the relief of,	221	M.	
LEE COUNTY.		MACON.	
Extra tax legalized,	225	Independent Volunteer Bat-	
LETTERS OF ADMINISTRAT'N.		talion in, incorporated,	232
See "Executors, Administra-		MACON & BRUNSWICK RAIL	
tors, Trustees, Guardians,		ROAD.	
and Ordinaries," in <i>Index</i> .		To facilitate the construction	
LIBERTY COUNTY.		of,	193
Act incorporating Presbyte-		MACON COUNTY.	
rian Church at Walthours-		Montezuma incorporated,	93
ville in, amended,	81	Line changed between, and	
Peddling spirituous liquors pro-		Taylor,	141
hibited,	212	Lot No. 231, 1st Dist., to be	
LIBERTY HILL BAPTIST		in Taylor County,	141
CHURCH,		Line changed between, and	
Incorporated,	74	Dooly County,	142
LIEN,		Line changed between, and	
Of ship carpenters, &c., on		Sumter County,	143
waters of certain rivers,	48	Oglethorpe Academy incor-	
LIMITATIONS.		porated,	171
Statute of, suspended as to		Peddling spirituous liquors"	
debts, till 1st Dec., 1861,	22	prohibited,	212
LINAH, E. T.		MADISON COUNTY.	
For the relief of,	220	Line between and Jackson,	
LOUD MINING COMPANY.		changed,	140
Incorporated,	124	MANGER, DAVID A.	
LOWNDES COUNTY.		To be paid for teaching poor	
Valdosta in, incorporated,	107	children in Heard County,	29
Line changed between, and		MARCUS, VAN	
Echols county,	141	For relief of,	217

MARION COUNTY.

Martha Brooks may inherit estate of Frances Brooks, 188
For the relief of James Parker, 216

McCRARY, JAMES

Appropriation to, 70

McINTOSH COUNTY.

Charter of Darien, amended, 92
Regulation as to bringing free negroes in, 154
Mounted Police in, 205

MECHANICS' SAVING AND LOAN ASSOCIATION.

Name changed to, from "Columbus Savings and Mutual Loan Association," 134

Location of office of Company, 134

MEDICAL COLLEGE OF GA.

Appropriation to of \$10,000, 66

MEEKS, ALLEN

Residence changed to Emanuel County, 137

MEMBERS OF GENERAL ASSEMBLY.

For pay of, see "appropriations," in *Index*.

MERRIWETHER COUNTY.

Line changed between, and Talbot, 143

For relief of Sterling S. Jenkins, 216

MIDDLE GEORGIA R. R.

Act of incorporation amended, 194

MILITARY.

Appropriation of \$1,000,000 as a military fund for 1861, 49

Governor may issue State bonds for same, 49

Gov. may accept services of 10,000 volunteers, 50

Mode of organization of same, 50

Office of Adj't. Gen'l. created, 51

Arms to Volunteer Corps, 52

Artillery Corps, 52

All Volunteer Companies incorporated, 53

MILITARY INSTITUTE.

See "Georgia Military Institute," in *Index*.

MILLEDGEVILLE R. R.

Inferior Court to subscribe stock, and levy and collect a tax, 195

MILLER COUNTY.

Bridge and Turnpike to be built in, 66

Colquitt in, incorporated, 86

MILTON COUNTY.

Line between, and Forsyth, changed, 138

To pay for the bridge being built on McGinnis' Creek, 138

Sheriff of, to be paid for summoning juries, 147

MINTZ, M. M.

Tax refunded to, 72

MITCHELL COUNTY.

Duty of Justices of Peace to appoint Patrol Commissioners, 209

MONROE.

Act relative to slaves and free negroes in, 92

Retail of Spirituous liquors in, 110

MONROE COUNTY.

Poor school accounts, &c., 183

Practicing Physicians exempt from Jury duty, 213

Tales Jurors, pay of, 213

MONTEZUMA,

Incorporated, 93

MONTGOMERY COUNTY.

Road laws amended, 225

MONTICELLO.

Charter of, amended, 95

MOORE, W. K.

Appropriation to, 19

MORRIS, JNO. A.

Appropriation to, as Census Taker in 1859, 18

MOTT, R. L.

For relief of, 217

MOUNTAIN TOWN MINING COMPANY,

Incorporated, 126

MOUNT VERNON ACADEMY,

Incorporated, 75

MOUNT VERNON CHURCH,

In Walton County, incorporated, 75

MULBERRY CAMPGROUND, Incorporated,	77	NIX, WM. Appropriatin to, O.	70
MULKEY, FRANK Residence of, changed to Web- ster County,	146	OCMULGEE MILLS. Act incorporating, amended,	118
MURRAY COUNTY. Friendship Baptist Church in, incorporated,	76	OCMULGEE RIVER. Lien given upon Steamboats on,	48
Charter of town of Spring Place, amended,	98	OCONEE HILL CEMETERY, Incorporated,	113
Sheriff of, to be paid \$40,	148	OGLETHORPE ACADEMY, Incorporated,	171
Act to suppress intoxicating liquors on election days in,	159	OGLETHORPE COUNTY. Peddling spirituous liquors in, prohibited,	212
MUSCOGEE COUNTY. Time of holding Superior Courts in,	40	ORDINRIES. See "Executors, Administra- tors, Trustees, Guardians, and Ordinaries, in <i>Index</i> ."	
Subscription by City Council of Columbus for stock in O. & T. R. R. Co., legalized,	89	ORPHANS. See "Executors, Administra- tors, Trustees, Guardians, &c., in <i>Index</i> ."	
Georgia Insurance Company, in Columbus, incorporated,	115	ORPHANS' HOME. Act incorporating, amended,	82
Columbus Savings & Mutual Loan Association, name changed to Mechanics' Sav- ing & Loan Association,	134	OXFORD FEMALE ACAD- EMY, Incorporated,	75
Per cent. to Receiver & Col- lector of Taxes in Muscogee county,	149		
Compensation to jurors in,	149		
For relief of Van Marcus, Biv- ins, and R. L. Mott,	217	P.	
MUSCOGEE R. R. Act to extend the line of,	194	PAINTER, J. M. Marriage of, legalized,	215
N.		PALMER, EDMUND. Relief of,	213
NACOGCHEE MINING CO. Act incorporating, amended,	129	PARDONS. William A. Choice, pardoned,	205
NAIL'S CREEK CHURCH, Incorporated,	77	PARKER, JAMES. For relief of,	216
NASHVILLE & CHATTA- NOOGA R. R. CO. How writs, &c., may be served upon,	45	PATROLS. Patrol laws of twentieth dis- trict G. M. of Bryan coun- ty,	206
Liabilities imposed on said Road,	46	Patrol laws of Dougherty co. amended,	207
NEWTON COUNTY. Oxford Female Academy in, incorporated,	75	Patrol laws of Effingham co. amended,	208
Line changed between, and Jasper county,	143	Act to establish a mounted po- lice in McIntosh county,	208
Poor Schools,	184	Act to authorize J. P. in Mitchell county to appoint Patrol commissioners,	209

PAULDING COUNTY.

Dallas Male and Female Academy, incorporated, 170

PEDDLERS.

Act of 1859, so far as it relates to citizens of slaveholding States, repealed, 54

To prevent the peddling of spirituous liquors in the following counties alphabetically arranged, viz :

Clay, 219

Clayton, 210

Cobb, 210

Crawford, 210

Dougherty, 210

Effingham, 210

Emanuel, 210

Houston, 210

Irwin, 211

Liberty, 211

Lowndes, 211

Macon, 211

Oglethorpe, 211

Polk, 211

Quitman, 211

Scriven, 211

Taylor, 211

Twiggs, 211

Worth, 211

PENAL CODE.

Sale of poisonous drugs, regulated, 54

Forty-fourth Sec. of Sth Division of, changed, 55

Trading with negroes, &c., 56

Ill treatment of slaves, 56

Furnishing weapons to slaves, &c., 56

Playing at "crackaloo" in Pickens county, made penal, 160

PEOPLE'S MUTUAL LOAN ASSOCIATION.

Incorporated, 135

PHYSICIANS.

Prohibited from selling poisonous drugs to slaves, 55

Selling poisonous drugs, must keep record of such sales, 55

Physicians.—Continued.

Act to regulate the practice of medicine in the county of Elbert, 212

Act to exempt Physicians from Jury duty of the county of Houston, 212

Act to exempt Physicians from Jury duty in the county of Emanuel, 212

Act to exempt Physicians from Jury duty, and to compensate tales Jurors in the following named counties :

Jasper, 213

Dade, 213

Laurens, 213

Mouror, 213

PICKENS COUNTY.

Line changed between, and Gordon county, 141

Betting at "crackaloo" in, made penal, 160

PIERCE COUNTY.

Blackshear in, charter amended, 87

Residence of R. Rawlerson of Wayne, to be hereafter in Pierce county, 144

Bear Creek Academy, incorporated, 169

PIKE COUNTY.

Time of holding Superior Courts in, 39

For relief of George W. Reaves of, 218.

PINE GROVE LODGE.

No. 177, incorporated, 83

PIONEER HOOK AND LADDER CO.

Incorporated, 114.

PLEADING AND PRACTICE.

Legal representatives of other States, may sue in this State, 32.

Judge Superior Court may pass order in vacation for investment in land or negroes, trust funds of married women, and children, 31

<i>Pleading and Practice.—Continued.</i>		<i>Polk County.—Continued.</i>	
Returns of representatives deceased Guardians, &c., how made.		No. 1282 in the 17th Dist. of Cass, added to Polk,	144
Ordinaries may issue executions for 12 months' support for widows and orphans.	33	Peddling spirituous liquors in, prohibited,	212
Granting of letters of administrations,		POLK SLATE QUARRY R. R.	
Where estates of decd. persons are not worth over \$100, Ordinary may set apart same for support of widow and orphans,		To grant the right of way of the W. A. R. R.	193
How Guardn. of free negro, shall make his return,		POOR CHILDREN,	
Lands exempt from levy and sale, how surveyed, &c.,		See " Teachers of Poor Children," in <i>Index</i> .	
Judges of Superior Courts to give charges in writing,		POPLAR SPRING CHURCH, Incorporated,	78
Any Atty. present may try cause wherein Judge is interested,		PRACTICE.	
Form of verdict and evidence admissible, under Act of 1847,		See Pleading and Practice, in <i>Index</i> .	
Clerk allowed two days from filing Bill in Equity to copy same,		PRECINCTS.	
Bill may be served 25 days before Court.		<i>Election</i> , may be established, altered or abolished, by Inferior Court,	30
Mode of recovering on Bonds given by vagrants,		PRINTING FUND.	
Answers to <i>certioraris</i> may be traversed,		of 1861,	13
Service of writs &c., on N. & Chatt. R. R. Co.,		PROFESSORS.	
Transfer of suits in Heard co. vs. B. H. Wright,		of Ga. Mil. Inste. pay of,	36
Execution of Interrogatories for Justices' Courts,		PROSPECT CAMP-GROUND.	
Traverse of grounds of Attachments in Justices' Cts.,		Incorporated,	79
Service of writs, &c., by Constable out of his Dist..		PULASKI COUNTY.	
PLEASANT GROVE CHURCH, Incorporated,		Line between, and Wilcox, changed,	140
POLK COUNTY,		Fifth Dist. of Dooly, added to,	145
Time of holding Sup'r Cts. in,	41	Certain lot in Telfair added to,	145
		For relief of O. A. V. Rose and Mary W. Wallace,	218
		PUTNAM COUNTY.	
		Extra tax to pay teachers of Poor children in,	230
		Military tax in,	230
		QUILLIAN; M. P.	
		Appropriation to,	19
		QUITMAN.	
		Charter of amended,	89
		RABUN COUNTY.	
		Act of 29th Dec. 1847, repealed,	158
		Management of school fund in,	179
		RAILROADS.	
		Moneys received from hands of, for not working on common roads, how applied,	57

RANDOLPH COUNTY.

Line changed between, and Calhoun, 144

RAWLERSON, RUSSELL.

Residence of, changed to Pierce co., 144

RAY, JAMES.

Residence of, added to Quitman co., 145

REAVES, GEORGE W.

For relief of 218

RECEIVERS OF TAX RETURNS.

See "Taxes," in *Index*.

REID, MATTHEW.

Relieved from illegal voting, 139

RELIEF,

Of Edward Palmer, 213

" Wm. L. Buxton, 213

" James M. Summers, 214

" Certain citizens of Gilmer co., 215

" J. M. Painter and Cynthia Roberson, 215

" William Capers Day, 216

" James Parker, 216

" Sterling S. Jenkins, 216

" J. M. Bivins, 217

" Van Marcus, 217

" R. L. Mott, 217

" George W. Reaves, 218

" Origin A. V. Rose, 218

" Mary W. Wallace, 218

" Mary Wray, 219

" Daniel W. Shine, 220

" E. T. Linah, 220

" Mitchell Fountain, 221

" Samuel Lavender, 221

" William J. Ammons, 221

" Sarah Ammons, alias,

Sarah Wheeler, 221

RICHMOND COUNTY.

Medical College in, appn. to, 66

Trust funds may be invested in bonds of Augusta in, 31

Second Baptist Church, Kollock St., incorporated, 79

Hepsibah High School incorporated, 173

For the relief of Mary Wray, 219

Charter of Independent Battalion, amended, 231

ROADS.

Commutation of work on, by Railroad hands, &c., 57

Commissioners of, to make return of all tax payers in their Districts, where there are no Justices of the Peace, in such Dist., 60

To reduce work on, in Appling, 222

" " " " " Coffee, 222

" " " " " Ware, 222

Act to amend the road laws of Camden, 223

Act to amend the road laws of Cherokee, 224

Act to amend the road laws of Colquitt, 224

Act to amend the road laws of Decatur, 224

Act to amend the road laws of Lumpkin, 225

Act to amend the road laws of Montgomery, 225

Act to amend the road laws of Wayne, 226

ROBINSON, CYNTHIA.

Marriage of, legalized, 215

ROME.

Act authorizing city council of, to subscribe for stock in the G. A. R. R. Co., amended, 97

City council of, may elect a Mayor *pro tem.*, 111

ROSE, ORIGIN A. V.

For relief of, 218

S

SALARIES.

Of Governor, 13

" State House officers, 13

" Sec'y.s. Ex. Dept., 13

" Messenger to Ex. Dept., 13

" Att'y. and Sol's. Gen'l., 13

" Judges Superior Court, 13

" " Supreme " 13

" Chaplain of Penitentiary, 13

" Journalizing Clerk House Representatives, 16

" Journalizing Clerk Senate, 16

" Sup't. and Res't. Physician

Lunatic Asylum, 13

<i>Salaries.—Continued.</i>		<i>Slaves and Free Persons of Color.—Cont'd.</i>	
Of State Librarian,	14	Not to be brought into certain	
“ Sup’t. Ga. Mil. Ins’t.	15	counties by captains of ves-	
“ Codifiers of Laws of Ga.	17	sels, under penalty of \$100,	154
State Tr. may advance 75 per		SIMPSON, L. A.	
cent. of Salaries due,	16	Appropriation to,	67
Salaries fixed by law, appro-		SKIDAWAY SHELL ROAD	
priated to be paid annually,	17	COMPANY.	
SAVANNAH.		Charter amended,	203
Trust funds may be invested		SOUTHERN CENTRAL AG-	
in city bonds of,	31	RICULTURAL SOCIETY.	
SAXON, S. B.		Name of changed,	10
Appropriation to,	70	SOUTH-WESTERN BATTAL-	
SCHLEY COUNTY.		ION.	
Relief of C. D. Crittenden of,	71	Incorporated,	233
SCHOOL FUND.		To be entitled to same privi-	
Re-appropriated for Charlton		leges as Baldwin Blues,	234
county,	19	SOUTH-WESTERN R. R.	
SCREVEN COUNTY.		To amend the charter of. and	
Peddling spirituous liquors in,	212	authorize further increase of	197
prohibited,		stock.	
SECOND BAPTIST CHURCH.		SPALDING COUNTY.	
Kolloch St. Augusta, incorpo-		Relief of H. L. Travis of,	70
rated,	79	SPRING PLACE.	
SECRETARIES EX. DEPT.		Charter of amended,	98
App’n. to pay salaries of,	13	STATE HOUSE OFFICES.	
SERVANTS.		Appropriation to pay salaries	
Importers of,	11	of,	13
SHERIFF.		STATE LIBRARIAN.	
May serve copies of bills		Salary of,	14
in equity, 25 days before		STATE LIBRARY.	
court,	44	App’n. to buy books for, in	
How he may serve writs &c.,		1861.	14
on N. & Chatt’a. R. R. Co.	45	STATE LUNATIC ASYLUM.	
SHINE, DANIEL W.		Salary of Sup’t. and Res’t.	
For the relief of,	220	Physician of,	13
SHIP CARPENTERS.		Appropriations for.	14
Lien on steamboats given to,		STATE PRINTERS.	
on certain rivers,	48	Treasurer to make advance	
SLAVES AND FREE PER-		payment to,	20
SONS OF COLOR.		STATE TREASURER.	
Sale of poisonous drugs to,		App’n. of salary of,	13
prohibited,	55	May make advances to Mem-	
Buying or receiving stolen		bers of General Assembly,	20
goods from,	56	Extra pay to, for signing	
Ill treatment of slaves, &c.	56	State bonds and coupons,	19
Furnishing weapons to,	56	To advance to State Printers,	20
Bail may be given for, in		STATIONERY.	
criminal cases,	57--S	App’n. to buy, for Clerk Su-	
Act regulating, in Monroe,		preme Court,	15
Walton county,	92		

STEPHENSON GOLD MIN- ING CO.		TALBOTTON.	
Incorporated,	130	Charter amended,	99
STEAMBOATS.		TALIAFERRO COUNTY.	
Lien upon given in certain cases,	48	Retail traffic in,	160
STEAMSHIP CO.		TALLAPOOSA.	
Incorporated,	7	Town of, incorporated,	103
STEWART COUNTY.		TATTNALL COUNTY.	
Line changed between Stew- art and Quitman,	145	Pendleton creek in, not to be obstructed,	162
Collection of taxes in, by F. M. Pierce, legalized,	151	TAX COLLECTORS.	
SUMMERS, JAS. M.		See "Taxes," in Index.	
Relief of,	214	TAXES.	
SUMMERVILLE.		\$600,000 may be raised by taxation, in 1861,	13
Incorporated,	96	Collectors and Receivers of, to be elected every two years,	30
SUMTER COUNTY.		Must give bonds annually,	30
Line changed between, and Macon county,	143	Oath of tax payers changed,	59
SUPERINTENDENT OF LU- NATIC ASYLUM.		Defaulters.	59
His salary,	13	Act of 17 Dec. 1859, repealed,	59
SUPERIOR COURTS.		Double taxes, how relieved from,	60
Judges of to give charges in writing, in certain cases,	42	Ambrotypists &c., taxed;	60
For sessions of, see JUDICI- ARY, in <i>Index</i> .		Road commissioners in certain cases to make return of tax payers in their district,	60
When Judges of, are incompe- tent to try cause, any Atty. may preside,	43	Inferior Court to levy a tax in Chatham.	227
SUPREME COURT.		Inferior Court to levy a tax in Franklin,	227
App'n. to buy stationery &c., by Clerk of,	15	Inferior Court to levy a tax in Hancock,	228
App'n. to pay salaries of Judges of,	13	Levy of tax by Inferior Court legalized in the county of Lee,	228
SURVEY.		Inferior Court to levy a tax in Lumpkin,	228
Of lands exempt from levy and sale,	36	Inferior Court to levy a tax in Bibb,	229
SWAINSBORO BRANCH R. R.		Inferior Court to levy a tax in Putnam,	230
Act incorporating,	199	Inferior Court to levy a tax in Taylor,	231
SWAINSBORO, WESTERN AND CENTRAL WHARF COMPANY.		TAYLOR COUNTY.	
Act incorporating,	204	Line changed between, and Macon county,	141
TALBOT COUNTY.		Peddling spirituous liquors in, prohibited,	212
Charter of town of Talbotton, amended,	99	Extra tax to build jail,	231
Line changed between, and Merriwether,	143		

TEACHERS OF POOR CHILDREN.		TRUST FUNDS.	
Regulations as to, in		May be invested in city bonds	
<i>Calhoun County,</i>	182	of Augusta and Savannah,	31
<i>Chattahoochee</i> "	183	Of married women and children	
<i>Chattooga</i> "	183	may be invested in land	
<i>Monroe</i> "	183	or negroes, under order of	
<i>Newton</i> "	184	Judge of Superior Court,	31
<i>Walton</i> "	184	TURNPIKE AND BRIDGE.	
<i>Putnam</i> "	230	To be constructed in Irwin co.,	66
		Appropriation of \$4,000, for	
		that purpose,	66
		To be constructed in Miller co.,	66
TELFAIR COUNTY,		TWIGGS COUNTY.	
Line between and Pulaski,		Peddling spirituous liquors in,	
changed,	145	prohibited,	212
TERRELL COUNTY.		For the relief of Daniel W.	
Line between and Webster,		Shine,	220
changed,	146		
THOMAS COUNTY.		U.	
Charter of town of Thomas-		UNION COUNTY.	
ville in, amended,	78	Appropriation to certain citi-	
Regulations as to free negroes		zens of, for arresting John	
in,	163	Black,	70
Young's Female College incor-		A part of Union county added	
porated,	176	to Towns county,	141
THOMASVILLE.		Sale of lot No. 88, by Sheriff	
Charter of, amended,	78	of Towns county, legalized,	141
THOMASTON & BARNESVILLE		Act to prevent the obstruction	
R. R.		of Notley River,	162
Act to extend the line of,	194	UNION LOAN & BUILDING	
THOMPSON, VREDENBERG.		ASSOCIATION,	
Appropriation to,	19	Incorporated,	136
THURSTON, G. W.		UNITED BROTHERS' ASSO-	
Residence to be in Butts co.,	140	CATION,	
TILLMAN, HON. JNO.		Incorporated,	81
Appropriation to,	18	UPSON COUNTY.	
TIMBER.		To regulate free negroes in,	163
Inspection and measurement		Executorship of Thos. W. An-	
of,	10	derson, legalized,	188
TOWNS COUNTY.		UPSON COUNTY R. R.	
Part of Union co. added to,	141	Act incorporating,	199
Sale of lot No. 88 by Sheriff		V.	
of, legalized,	141	VAGRANTS.	
TRAVIS, H. L.		Mode of bringing suits on	
Relief of,	70	bonds given by,	44
TRENTON.		VALDOSTA,	
Incorporated,	104	Incorporated,	107
TRUSTEES.		VERDICT.	
See "Ex'rs, Adm'rs, Trustees,		Form of, under Act of 1847,	42
Guardians and Ordinaries,"		VOLUNTEER COMPANIES.	
in <i>Index.</i>		Members of, not uniformed,	
		may be supplied with arms,	52

<i>Volunteer Companies.—Continued.</i>		WASHINGTON.	
Artillery Corps allowed \$200 each, on certain conditions, per annum,		Charter of, amended,	112
Swords to officers of, (see Resolution No. 7.)	52	WASHINGTON COUNTY.	
All volunteer Companies incorporated,	53	Retail of spirituous liquors in,	160
<i>Independent Volunteer Battalion of Augusta.</i>		WASHINGTON, DENNIS.	
Charter amended,	231	Plantation of, in Echols co., added to Lowndes co.,	141
<i>Independent Volunteer Battalion of Macon.</i>		WAYNE COUNTY.	
An Act for organization,	232	Time of holding Sup'r Ct's in,	41
<i>South Western Battalion of the State of Georgia.</i>		Residence of R. Rawlerson to be changed to Pierce co.,	144
An Act for organization,	233	Residence of J. M. Bryan, W. J. Burney, J. F. Chapman, A. A. Burney, Wm. Burney, and Sam'l Wright, formerly of Glynn co., added to Wayne,	146
WALKER COUNTY.		Road Laws amended,	226
Act regulating free negroes in,	163	WEBSTER COUNTY.	
WALKER, GEO.		Line between, and Terrell, changed,	146
Residence changed to Macon county,	143	Poisoning fish in, prohibited,	164
WALLACE, MARY M.		WESTERN & ATLANTIC R. R.	
For relief of,	218	Matters in controversy between said road and E. B. Reynolds, to be submitted to arbitration,	60
WALTHOURSVILLE.		Certain roads may connect with,	192
Presbyterian Church at,	81	App'n to children of Littleberry James who was killed on,	65
WALTON COUNTY.		App'n to widow and children of D. Harrison who was killed on,	68
Bethlehem M. E. Church in, incorporated,	73	WHITE COUNTY.	
Mount Vernon Church and Academy, incorporated,	75	Line between and Lumpkin co., changed,	145
Act relative to slaves and free negroes in town of Monroe,	92	WHITEPATH MINING Co.	
Act regulating retail of spirituous liquors in said town,	110	Incorporated,	122
Poor schools,	184	WHITFIELD COUNTY.	
WARE COUNTY.		Acts incorporating town of Dalton in, amended,	90
Streets may be opened in Waresboro,	111	Sheriffs of, to be paid for summing juries,	148
Work on Roads, &c., within the town,	112	Regulations as to schools in,	180
Lot No. 172, of Ware, added to Appling,	143	WIDOWS AND ORPHANS,	
Removal of county site,	167	Support of for 12 months,	34
Road laws changed,	222	See also "Ex's, Adm'rs, &c." in <i>Index</i> .	
WARESBORO.			
Streets may be opened in,	111		
Work on Roads within Town limits,	112		
WARREN COUNTY.			
For the relief of E. T. Linah,	220		

WILCHER, J. T. L.		WORK AND LABOR.	
Residence changed from Jefferson to Glascock co.,	139	Done on steamboats on certain rivers, to form a lien on such boats,	48
WILCOX COUNTY.		WORTH COUNTY.	
Line between, and Pulaski, changed,	140	Peddling spirituous liquors in, prohibited,	211
A part of Irwin co., added to,	145	For relief of William J. Ammons and Sarah Ammons,	221
Firing woods in, in certain months, prohibited,	164	WRAY, MARY.	
WILHITE, JNO.		For relief of,	219
Relief of,	70	WRIGHT, B. H,	
WILKES COUNTY.		All suits against, in Heard, to be transferred to Carroll co.,	46
Charter of town of Washington in, amended,	112	WRIGHT, DOW.	
WILKINSON COUNTY.		Appropriation to,	19
Time of holding Superior Courts in,	41	WRIGHT, SAM'L.	
For the relief of Mitchell Fountain and Samuel Lavender,	221	Residence of, changed to Wayne co.,	146
WOOD MINING CO.		Y.	
Incorporated,	132	YOUNG'S FEMALE COLLEGE.	
WORK DEPARTMENT.		Incorporated,	176
For the Academy for the Blind,	35		

INDEX TO RESOLUTIONS.

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| <p>No. 1. To elect a Judge of the Supreme Court.</p> <p>“ 2. Election of Treasurer.</p> <p>“ 3. To choose Electors to cast the Presidential vote of the State of Georgia.</p> <p>“ 4. A Committee to visit the Deaf and Dumb Asylum.</p> <p>“ 5. The Rev. Dr. Lipscombe's Address.</p> <p>“ 6. In relation to the death of Hon. I. T. Irvin.</p> <p>“ 7. To furnish side arms to Officers of the various Volunteer Corps in this State.</p> <p>“ 8. Purchase of arms for the defence of the coast of this State.</p> | <p>No. 9. Session extended.</p> <p>“ 10. Adjusting the boundary line between Florida and Georgia.</p> <p>“ 11. Committee appointed to wait upon the Commissioner from Mississippi.</p> <p>“ 12. To remove the remains of Commodore McIntosh.</p> <p>“ 13. John S. Fain authorized to receive certain sums.</p> <p>“ 14. In response to the State of Mississippi.</p> <p>“ 15. Session extended.</p> <p>“ 16. Relative to adjourning courts by reason of the approaching State Convention.</p> |
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